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# STATUTES

OF THE

# PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

FORTY-FIRST YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA,

BEING THE THIRD SESSION OF THE THIRD PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE NINTH DAY OF JANUARY, IN THE YEAR OF OUR  
LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT.

1878



HIS HONOUR

THE HONOURABLE DONALD A. MACDONALD,  
LIEUTENANT-GOVERNOR.

212047  
a-5:27

**Toronto:**

PRINTED BY JOHN NOTMAN

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1878.

HUNTER, ROSE AND COMPANY,  
PRINTERS, TORONTO.



ANNO QUADRAGESIMO-UNO.

# VICTORIÆ REGINÆ.

## CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-eight, and for other purposes therein mentioned.

[Assented to 7th March, 1878.]

MOST GRACIOUS SOVEREIGN :—

**W**HEREAS it appears by Messages from His Honour the Preamble  
Honourable Donald Alexander Macdonald, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-eight; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of Two million five hundred and ninety-five thousand and fifty-nine dollars and one cent, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and seventy-eight, as set forth in Schedule "A" to this Act. \$2,595,059.01 granted out of the Consolidated Revenue Fund for certain purposes.

2. Out of the estate of the late Andrew Mercer, deceased, which has escheated to the Crown, for the benefit of the Province, the sum of five thousand dollars shall and may be applied to the payment of the *bona fide* debts of Andrew Mercer Andrew Mercer's estate.

Mercer the younger, the natural son of the said Andrew Mercer; and, subject thereto, the residue of the said sum of five thousand dollars shall and may be paid to the said Andrew Mercer the younger, and that a sufficient further sum shall and may be applied to complete the purchase of certain lots in the Township of Etobicoke, containing one hundred and fifty acres, in respect of which the late Andrew Mercer entered into a verbal agreement, and which he intended for the said Andrew Mercer the younger; and such lots shall be conveyed to trustees for the benefit of the said Andrew Mercer the younger and his family, with all usual trusts and conditions in that behalf, to be settled by the Attorney General; and that the further sum of fifteen thousand dollars in stocks or securities be transferred to the trustees on like trusts; or that, in lieu of the said one hundred and fifty acres of land, at the option of the said Andrew Mercer the younger, the further sum of ten thousand dollars in stocks or securities shall and may be transferred to the trustees in manner and on the trusts and conditions aforesaid.

Andrew Mercer estate.

**3.** Out of the residue of the said estate of the late Andrew Mercer, deceased, the sum of ten thousand dollars shall and may be applied towards the erection of a Provincial Eye and Ear Infirmary in connection with the Toronto General Hospital, to be called "The Andrew Mercer Eye and Ear Infirmary," and the further sum of ninety thousand dollars shall and may be applied to the erection of a Reformatory Institution at Toronto, to be called "The Andrew Mercer Ontario Reformatory for Females."

Accounts to be laid before the Legislature.

**4.** Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys.

**5.** Any part of the money appropriated by this Act out of the Consolidated Revenue which may be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-eight, shall not be expended thereafter.

Expenditure to be accounted to Her Majesty.

**6.** The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

## SCHEDULE "A."

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and seventy-eight, and the purposes for which they are granted.

## CIVIL GOVERNMENT.

*To defray the expenses of Salaries and Contingencies for the several Departments at Toronto :*

Government House .....	\$5,580 00	
Lieutenant-Governor's Office .....	3,350 00	
Executive Council and Attorney-General's Office....	14,980 00	
Treasury Department .....	16,600 00	
Secretary and Registrar's Office.....	26,025 00	
Department of Public Works. ....	20,172 00	
"    " Agriculture .....	1,200 00	
"    " Immigration .....	1,400 00	
Inspection of Public Institutions.....	7,350 00	
Crown Lands Department .....	52,280 00	
Miscellaneous .....	9,960 00	
	<hr/>	\$158,897 00

## LEGISLATION.

To defray expenses for Legislation.....	131,350 00
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## ADMINISTRATION OF JUSTICE

To defray expenses of :—

Court of Chancery.....	\$20,345 00	
Court of Queen's Bench .....	9,520 00	
Court of Common Pleas .....	5,360 00	
Superior Judges and Court of Appeal.....	15,810 00	
Practice and other Courts .....	4,900 00	
Criminal Justice ..	180,200 00	
Miscellaneous Justice .....	59,025 00	
	<hr/>	295,160 00

## EDUCATION

To defray expenses of :—

Public and Separate Schools .....	\$240,000 00	
Inspection of Public and Separate Schools.....	28,850 00	
Schools in New and Poor Townships .....	12,000 00	
Collegiate Institutes and High Schools.....	78,800 00	
Inspection of Collegiate Institutes and High Schools..	7,800 00	
Departmental Examinations .....	12,400 00	
Training of Public School Teachers .....	19,250 00	
Superannuated High and Public School Teachers.....	35,200 00	
Normal and Model Schools (Toronto), Salaries and Contingencies.....	22,950 00	
Normal School, Ottawa.....	11,700 00	
Provincial Educational Museum and Library.....	3,455 00	
Maps, Apparatus, &c. ....	35,000 00	
Educational Depository, Salaries and Contingencies...	9,335 00	

Education



Education Office .....	\$21,975 00	
Miscellaneous Expenses of Education.....	8,500 00	
		<u>\$547,215 00</u>

## PUBLIC INSTITUTIONS—MAINTENANCE

To defray expenses of:—

Asylum for the Insane, Toronto.....	\$88,090 00	
Asylum for the Insane, London.....	97,830 00	
Asylum for the Insane, Kingston .....	60,852 00	
Asylum for the Insane, Hamilton... ..	34,649 00	
Asylum for the Insane, Orillia.....	22,516 00	
Provincial Reformatory, Penetanguishene .....	26,720 00	
Central Prison, Toronto.....	86,115 00	
Institution for the Deaf and Dumb, Belleville.....	37,859 00	
Institution for the Blind, Brantford.....	28,015 00	
School of Agriculture, Guelph.....	21,970 00	
School of Practical Science, Toronto.....	2,680 00	
		<u>507,296 00</u>

## IMMIGRATION

To defray expenses of:—

Agencies in Europe.....	\$7,800 00	
Agencies in Canada.....	2,400 00	
Dominion Government for services by its Agents....	9,500 00	
Carriage of Immigrants in Ontario, including Main- tenance.....	5,000 00	
Provisions for same, including Medical attendance.....	5,500 00	
Assistance money, by way of payment, in reduction of passage money to selected Immigrants, specially con- signed to Ontario.....	6,000 00	
Inspection.....	500 00	
Contingencies .....	800 00	
		<u>37,500 00</u>

## AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of:—

Electoral Division Societies, 81 at \$700 .....	\$56,700 00	
Electoral Division Society, 1 at 550 .....	550 00	
Electoral Division Societies, 6 at 350 .....	2,100 00	
do do outlying Districts .....	300 00	
Fruit Growers' Association .....	1,000 00	
Entomological Society ..	750 00	
Dairymen's Association.....	2,000 00	
Agricultural Association .....	10,000 00	
Statistical Bureau.....	1,000 00	
Poultry Associations .....	600 00	
For sundry services in connection with Agriculture and Arts, such as investigation of diseases in animals and crops, and of ravages of insects; and for agri- cultural instruction, dairy products, and other charges not otherwise provided for .....	2,000 00	

## ARTS:

Mechanics' Institutes.....	23,000 00
Art Union, Toronto.....	500 00

ARTS :—*Continued.*

School of Art and Design, Toronto . . . . .	\$1,100 00
“ “ “ London . . . . .	500 00

## LITERARY :

Canadian Institute, Toronto . . . . .	750 00
Institut Canadien, Ottawa . . . . .	300 00
Athenæum, Ottawa . . . . .	300 00

## SCIENTIFIC :

To promote scientific research . . . . .	500 00
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\$103,950 00

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of:—

Hospitals and Institutions mentioned in Schedule A of Statute, 37 Vic. chap. 33 . . . . .	\$43,259 39
Institutions in Schedule B . . . . .	14,776 24
Institutions in Schedule C . . . . .	12,637 56

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70,673 19

## MISCELLANEOUS EXPENDITURE.

To defray the expenses in connection with Miscellaneous Expenditure as follows :—

License Law . . . . .	\$8,000 00
Collection of revenue for law stamps and licenses . . . . .	1,500 00
Municipalities and other funds . . . . .	500 00
Settlement of Municipal Loan Fund . . . . .	200 00
Settlement <i>re</i> Ontario and Quebec . . . . .	4,000 00
Settlement <i>re</i> Northern and Western Boundaries . . . . .	4,000 00
International Exhibitions . . . . .	1,400 00
Marriage Licenses . . . . .	200 00
Inspection of Railways . . . . .	500 00
Ontario Rifle Association . . . . .	600 00
Insurance of Public Buildings and Furniture . . . . .	11,315 00
Consolidation of Statute Law . . . . .	5,600 00
Expenses of Elections . . . . .	2,000 00
Expenses of Contested Elections . . . . .	3,000 00
Revision Voters' Lists . . . . .	1,000 00
Gratuities . . . . .	8,020 00
Allowance to late Superintendent of Education . . . . .	4,000 00
Allowance to Counties under provisions of 30 Vic. c. 31. . . . .	14,232 50
Law Society, claims for water and gas—subject to investigation . . . . .	3,000 00
John Meek, claims for services at Malden and London Asylums . . . . .	400 00
A. N. Buell, disbursements while Accountant . . . . .	800 00

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\$74,267 50

## PUBLIC BUILDINGS.

To defray expenses at the works at the Asylum for the

Insane, Toronto . . . . .	\$12,887 40
Asylum for the Insane, London . . . . .	67,605 30

Asylum

Asylum for the Insane, Hamilton .....	105,356 00	
“ “ “ Kingston .....	39,095 64	
“ “ “ Orillia .....	10,485 28	
Reformatory, Penetanguishene.....	8,000 00	
Central Prison, Toronto .....	8,755 50	
Deaf and Dumb Institute, Belleville .....	17,831 44	
Blind Institute, Brantford.....	23,220 00	
School of Agriculture, Guelph .....	14,500 00	
Normal School and Education Office, Toronto.....	3,000 00	
Normal School, Ottawa.....	2,000 00	
Osgoode Hall, Toronto ....	3,000 00	
Government House, Toronto.....	4,000 00	
Parliament Buildings.....	2,500 00	
District of Algoma.....	8,500 00	
Thunder Bay District .....	2,000 00	
Nipissing District .....	200 00	
Muskoka District .....	3,200 00	
Parry Sound District .....	3,200 00	
	<hr/>	\$339,336 56

## PUBLIC WORKS.

To defray the expenses at the Works at Muskoka River.....	8,100 00	
Mary's and Fairies Lake.....	2,200 00	
Gull and Burnt Rivers.....	9,000 00	
Surveys, Inspections and Arbitrations .....	11,000 00	
Locks, Dams and Swing Bridges .....	2,000 00	
To defray the expense of Lock-master and Bridge-tender's Salaries .....	1,700 00	
	<hr/>	34,000 00

## COLONIZATION ROADS.

To defray the expenses of Construction and Repairs.	85,700 00
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## CROWN LANDS' EXPENDITURE.

To defray expenses on expenditure on account of Crown Lands.....	89,000 00
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## REFUNDS.

To defray the expenses of:—		
Education.....	1,000 00	
Crown Lands.....	23,000 00	
Municipalities' Fund.....	29,972 46	
Land Improvement Fund.....	16,741 30	
	<hr/>	70,713 76

## UNFORESEEN AND UNPROVIDED.

To meet unforeseen and unprovided.....	50,000 00
Total Estimate for 1878.....	<hr/> \$2,595,059 01



## CHAPTER 2.

## An Act respecting the Public Service of Ontario.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Departmental Staff of the Civil Service of Ontario at the seat of Government, shall consist of two divisions, that is to say: the "Ordinary Division," and the "Special Division."

Two divisions of staff of Civil Service.

2. The Special Division shall include all those offices, whether now existing or hereafter to be created, which require for their exercise some skill usually acquired only in some professional or other pursuit, different from the Civil Service, and shall consist of two classes, that is to say, Officers and Clerks.

Special division; two classes thereof

3. The Ordinary Division shall include all those offices, whether now existing or hereafter to be created, which are not comprised in the Special Division, and shall consist of the Deputy Heads of Departments, Officers or Chief Clerks, Clerks, and Probationary Clerks.

Ordinary division.

4. Clerks in the Ordinary Division shall be divided into four classes.

Four classes of clerks in ordinary division.

A fourth class clerk shall receive a salary of not more than four hundred dollars for his first year's service as such, and may thereafter have an annual increase of fifty dollars per annum until his salary is six hundred and fifty dollars per annum, but he shall not be eligible for promotion into the third class until after four years' service in the fourth class.

Salaries and promotion.

A third class clerk shall receive a salary of not more than seven hundred dollars for his first year's service as such, and may thereafter have an annual increase of fifty dollars per annum until his salary is nine hundred and fifty dollars per annum, but he shall not be eligible for promotion into the second class, until after five years' service in the third class; but no clerk shall from having served four years in the fourth class, or from having served five years in the second class, be absolutely entitled to promotion into the next higher class.

A second class clerk shall receive a salary of not more than one thousand dollars for his first year's service as such, and may have an annual increase of fifty dollars per annum until his salary is one thousand two hundred dollars per annum, but he shall be eligible for promotion into the first class at any period of his service in the second class.

A first class clerk shall receive a salary of not more than one thousand two hundred dollars per annum, and may have an annual increase of fifty dollars per annum until his salary is one thousand four hundred dollars per annum, but if any clerk promoted into the first class has at the time of such promotion a higher salary than one thousand two hundred dollars per annum, he shall continue to receive such salary until by length of service in the first class, he has a right to that amount as a first class clerk, from which time he shall receive an annual increase of fifty dollars per annum until his salary is one thousand four hundred dollars per annum, and he shall be eligible for promotion at any period of his service in the first class.

Suspension of salary.

No clerk shall have an absolute right to the annual increase of salary authorised by this Act, but the same may be suspended and subsequently restored by the head of the department but without payment of arrears.

Terms of payment of increase.

The annual increase of salary shall be payable from the first day of the quarter next succeeding the date at which, from his length of service any clerk may be eligible for such increase.

Salary on promotion.

In case of promotion the increase of salary shall become payable from the first day of the month next succeeding the date at which such promotion took place.

Salaries in special division.

Officers and clerks in the Special Division shall receive such salaries respectively as may be assigned to them by Order in Council, and voted by the Legislature.

#### APPOINTMENTS.

Appointments and promotion how made.

**5.** No appointment or promotion shall be made except under the authority of the Lieutenant-Governor in Council upon the application and report of the Head of the Department in which it is to be made.

Office during pleasure.

**6.** Every appointment, whether by commission or otherwise shall be during pleasure.

Probational employment.

**7.** Every person entering the Civil Service within the meaning of this Act shall, except as hereinafter provided, be subject to a probation of six months, and shall be conditionally employed in the lowest, or, where in the opinion of the Lieutenant-Governor in Council, special but not professional qualifications are required, he may be employed in the third class in that division of the service to which he is attached, at the minimum salary of such class.

Evidence as to character, &c.

**8.** Every candidate for admission into the Civil Service shall, as a condition precedent to his nomination as a probationer, produce such evidence as the Lieutenant-Governor in Council may think sufficient as to his age, health, and moral character; and every candidate for admission into the Ordinary Division shall further pass, before examiners appointed by the

Examination.

the Lieutenant-Governor in Council, such examination, but without competition, as the Lieutenant-Governor in Council may direct.

**9.** Where any person has been conditionally employed upon probation in any office in the Civil Service, if, at the expiration of six months from the date of such employment, the head of the department in which the probationer has served, shall recommend in writing the probationer as a suitable person to be appointed an officer of the Civil Service, the Lieutenant-Governor in Council may, if he think fit, then, but not before, appoint such person.

Appointment of a probationer.

#### PROMOTION.

**10.** Where in the Ordinary Division any vacancy occurs in any superior class, if it be expedient to fill up the vacancy, the Lieutenant-Governor in Council, except as hereinafter provided, shall promote such clerk or officer in the class first below that in which the vacancy has occurred, as he shall judge the most deserving of such promotion.

Promotion in ordinary divisions.

**11.** When in the Special Division any vacancy occurs, if it be expedient to fill up such vacancy, and the Lieutenant-Governor in Council be of opinion that there is any clerk or officer of lower rank in the department where such vacancy has occurred competent to discharge the duties of the said office, he shall appoint such clerk or officer; but if in his opinion there be no such clerk or officer, then he may appoint such person as he may think fit, although not previously engaged in the Civil Service, with or without examination or probation.

Promotion; or appointment in special division, without examination or probation.

**12.** Whenever it is expedient to secure for the Public Service, on the occurrence of any vacancy, the services of some person of known ability, special attainments, and technical knowledge, and to place such person immediately in some of the higher classes of the Civil Service, although such person may not have been engaged in the Civil Service of this Province, the Lieutenant-Governor in Council, anything in this Act to the contrary notwithstanding, may appoint such person accordingly, and without either examination or probation.

Appointment in special cases without probation or examination.

**13.** Notwithstanding anything herein contained, any person who at any time has been or shall hereafter be employed in the Civil Service, and who has not been dismissed or called on to resign for improper conduct, may be appointed to any class in the same manner as if he had never left such service.

Appointment of former employees.

**14.** Every head of the department shall furnish to the Lieutenant-Governor in Council at such times as the Lieutenant-Governor in Council may direct, reports upon the conduct and the efficiency of the officers and clerks employed in his department.

Heads of Departments to report as to clerks.



## OFFICERS OR CHIEF CLERKS.

Chief clerks ;  
their salaries.

**15.** There may be in each department of the Civil Service one or more officers or chief clerks who shall receive such salaries respectively as may be fixed and determined by the Governor in Council, and voted by the Legislature.

First-class  
clerks, addi-  
tional salary.

**16.** If in any department there are any special duties requiring or assigned to an officer or chief clerk, an additional salary not exceeding four hundred dollars per annum may be given by Order in Council to one or other first class clerks in such department, who shall have the rank of chief clerk, but such additional salary shall not become payable until the same shall be appropriated by the Legislature.

Division of  
departments.

**17.** The Lieutenant-Governor in Council may from time to time divide any department of the Public Service into as many branches or sub-departments as may appear most convenient for the Public Service, and one of the officers or first or second class clerks in such department may be appointed the chief clerk of such branch, and shall perform such duties as may be assigned to him by the head of the department, and an additional salary not exceeding four hundred dollars per annum may by Order in Council be paid to the person holding the position of chief clerk of such branch of said department, but such additional salary shall not become payable until the same be appropriated by the Legislature.

Chief clerks'  
salaries.

## DEPUTY HEADS OF DEPARTMENTS.

Deputy heads  
of Depart-  
ments ;  
salaries.

**18.** The following officers shall be respectively the deputy heads of the Department to which they are attached, and shall receive such salaries respectively as may be assigned to them by the Legislature :

The Deputy of the Attorney-General,  
The Deputy of the Minister of Education,  
The Assistant Commissioner of Crown Lands,  
The Assistant Provincial Secretary,  
The Assistant Commissioner of Public Works,  
The Assistant Treasurer.  
The Clerk of the Executive Council.

The office of the Clerk of the Executive Council may be held by one of the other Deputy Heads.

Substitutes  
for deputy  
heads.

In the absence of any deputy head, the head of the department may empower any officer or chief clerk thereof to perform the duties of such deputy head.

Duties of  
Deputy heads.

**19.** It shall be the duty of the deputy head of each department, and he shall have authority, subject always to the head of the department, to oversee and direct the other officers, clerks

clerks, and servants of the department. He shall have the general control of the business of the department, and such other powers and duties as may be assigned to him by the Lieutenant-Governor in Council, and in the absence of the minister and during such absence, may suspend from his duties any officer, clerk, or servant of the department who refuses or neglects to obey his directions as such deputy.

**20.** As soon as conveniently may be after the passing of this Act, the Lieutenant-Governor in Council shall determine the number of officers or chief clerks, and the officers and clerks of each class and of each division that are required for the working of the staff of each department, and shall classify the same according to the arrangements so determined, and such classification shall be submitted to the Legislature at its next Session thereafter; and after such classification has been submitted to the Legislature no first class clerk and no officer or chief clerk in either division shall be appointed, nor shall any person be rated at any salary higher than the maximum of the first class, except (1) upon a vacancy, or (2) upon the creation of an additional first class clerkship or office or chief clerkship by special Order in Council, and upon the approval by the Legislature of the salary thereunto attached as a separate item in the estimates of the year in which such first class clerkship or office or chief clerkship is created.

Lieut.-Gov. in Council to determine number of chief clerks, &c., and classify. Submission to Legislature.

**21.** No extra clerk shall, except under an Order in Council, be employed in any department unless for a period not exceeding three months, for which he may be paid at a rate not exceeding two dollars per diem out of the contingencies of the department on the certificate of the head or deputy head thereof, except only that if such extra clerk be an accountant, a book-keeper, or a person of special attainments and employed as such, he may be paid at a rate not exceeding the ordinary charge for such services;

Extra clerks, time of employment, salary, &c.

But any extra clerk may, under an Order in Council, made on the application and report of the head of the department that the same is requisite, be employed for a longer period than three months, and he shall, during such period, be borne on the pay-list of the department;

At the end of six months such extra clerk shall only be retained in the department as a probationary clerk, if nominated, examined and appointed as such in the manner required by this Act.

#### GENERAL PROVISIONS.

**22.** No allowance or compensation shall be made for any extra services whatsoever which any officer or clerk may be required to perform in the department to which he belongs.

No compensation for extra services.

**23.** Nothing in this Act shall prejudicially affect the salary or emolument of any officer or clerk in the Civil Service at the

Salaries of present clerks.

the time of the passing of this Act so long as he shall be continued in office, nor shall anything herein contained affect any salary or emolument granted or fixed by any Act now, or which may hereafter be, in force.

Power of dismissal of Lieutenant-Governor.

No provision herein contained shall impair the power of the Lieutenant-Governor to remove or dismiss any deputy head of a department, officer or clerk.

Aid of clerks from other Departments.

**24.** When the clerks on the staff of any department cannot with sufficient speed perform the duties required on any emergency, the deputy head of such department may require from the deputy heads of any other departments the temporary services of any number of clerks as may not be then actively engaged in services of their own departments, but without additional remuneration.

Leave of absence.

**25.** The head of every department may at such times as may be convenient, grant to every officer or clerk leave of absence for recreation for any period or periods not exceeding in the whole three weeks in each year, and may in cases of illness or other pressing necessity grant such extended leave not exceeding twelve months, and on such terms as the Lieutenant-Governor in Council may think fit.

Gratuity on leaving for ill-health, &c.

**26.** When the services of any officer are hereafter dispensed with in consequence of any change in any department or in consequence of the age and infirmity, or ill health of such officer, but not for any fault on the part of such officer, such gratuity may be allowed him as shall be directed by Order in Council, but not exceeding one month's pay for each year of his service; and in the event of the death of any clerk or officer while in the service of the Crown, such gratuity may be paid to his family.

Reduction to a lower class.

**27.** The Lieutenant-Governor in Council may at any time on account of improper conduct or inefficiency, upon the report of the head of the department, order that any officer or clerk of one class be reduced to a lower class, and thereupon his salary shall be from the first day of the month next succeeding such order, reduced to such sum in such lower class as may be ordered, but such clerk may at any time after be restored by order of the Lieutenant-Governor in Council to the status which he had lost, and his salary may be fixed, upon such restoration, at the sum to which he would have been entitled, except for such reduction.

Restoration.

Fine for misconduct.

**28.** If the head of the department wherein such officer or clerk is engaged, or in his absence his deputy be of opinion that the offence is not of so serious a nature, that a report thereof should in the course of his duty, be made to the Lieutenant-Governor in Council, the head of the department, or in his absence, his deputy, may for every such case of misconduct, order to be deducted



deducted by way of fine from the salary of such officer or clerk a sum not exceeding twenty dollars.

**29.** The Lieutenant-Governor in Council may regulate the hours of attendance of the officers and clerks in any department; and when the public service demands, in case of pressure or urgency, that additional time be given, such additional time as the head or deputy head of any department may require, shall be given by all officers and clerks, without additional compensation. Hours of attendance.

#### THE LAW COURTS

**30.** Save as hereinafter excepted, this Act shall apply to the offices of the Clerk of the Crown and Pleas of the Courts of Queen's Bench, and Common Pleas, and to the offices of the Master, Registrar, and Referee of the Court of Chancery, the Registrar of the Court of Appeal, the Accountant of the Court of Chancery, the Surrogate Clerk, the Clerk of Records and Writs, the Clerk of the Process, and the Clerk in Common Law Chambers; but nothing in this Act contained, shall prevent the appointment of a clerk or officer to any of the offices in this section mentioned in the first instance, or promotion otherwise than by this Act is provided, should the interests of the public service in the opinion of the Governor in Council require the same. Law offices.

(2). In so far as applicable the word "department" in this Act and for the purpose of this Act shall extend to and include the offices of the courts in this section mentioned; and the Attorney-General of the Province for the time being shall be the head thereof; and the chief officer of each of the said offices shall for the purpose of this Act have and possess the same powers and authority as the deputy head of a department, but nothing herein contained shall impair or interfere with the authority or control of the courts and judges over their officers. Construction of the word "department."  
Attorney-General.  
Chief officers.  
powers.

#### EXAMINERS.

**31.** The Lieutenant-Governor in Council is hereby authorized from time to time and as occasion shall require : Appointment of examiners.

(2) To appoint suitable persons for the purpose of examining and investigating into and reporting upon the knowledge, ability and fitness of candidates who present themselves upon a nomination for office or employment in the Civil Service of Ontario;

(3). To make rules and regulations to be observed by candidates for employment in the civil service and to prescribe the subjects upon which such candidates shall be examined. Rules for employees.

Examinations  
and certi-  
ficates.

**32.** It shall be the duty of the person or persons appointed as examiner or examiners, to examine the candidates who present themselves upon a nomination for office, as hereinbefore mentioned, and to grant certificates of qualification of candidates whose examination as to fitness, and capacity, and knowledge have been found satisfactory.

Rules for  
working this  
Act and classi-  
fying.

**33.** The Lieutenant-Governor in Council may make such rules and regulations as he may think fit for carrying the provisions of this Act into effect, and for classifying the offices and clerkships in the public service.

#### FEES AND EMOLUMENTS OF CERTAIN OFFICERS.

Clerk of Co.  
Court, Regis-  
trar of Surro-  
gate, and clerk  
of a City  
Division Court  
to make re-  
turns of fees,  
&c.

**34.** Every clerk of a county court and every registrar of a surrogate court, and every clerk of any division court, for a division embracing a city or part of a city, shall keep a separate book in which he shall enter from day to day all fees, charges, and emoluments received by him by virtue of his office, shewing the sums received by him for fees, charges, and emoluments of all kinds whatsoever, and shall, on the fifteenth day of January in each year, make up to, and including, the thirty-first day of December of the previous year, a return to the Lieutenant-Governor under oath, of such fees, charges, and emoluments, so received by him during the said year.

Clerk fees of  
County Court  
of County of  
York.

**35.** The Clerk of the County Court of the County of York shall be entitled to retain to his own use in each year all the fees and emoluments received by him as such clerk in that year, up to two thousand dollars.

The same.

**36.** Of the further fees and emoluments received by the Clerk of the County Court of the County of York, in excess of two thousand dollars and not exceeding three thousand dollars, he shall be entitled to retain to his own use seventy per cent. and no more; and of the further fees and emoluments received by such clerk in excess of three thousand dollars and not exceeding four thousand dollars, he shall be entitled to retain to his own use sixty per cent. and no more; and of the further fees and emoluments received by such clerk in excess of four thousand dollars and not exceeding five thousand dollars, he shall be entitled to retain to his own use fifty per cent. and no more; and of the further fees and emoluments received by such clerk in excess of five thousand dollars, he shall be entitled to retain to his own use twenty-five per cent. and no more.

Clerk of  
County Court  
of York to  
make a return  
to the Treas-  
urer.

**37.** On the fifteenth day of January in each year, the Clerk of the County Court of the County of York, shall deliver to the Treasurer of the Province a duplicate of the return required by this Act, and shall also pay to such Treasurer, for the uses of the Province, such proportion of the fees and emoluments received by him during the preceding year, as under this Act he is not entitled to retain to his own use.

**38.**



**38.** The increase of salaries hereinbefore provided for shall not become payable until an appropriation therefor shall be made by the Legislature.

Appropriation to be made by Legislature of increased salaries.

**39.** So much of the Revised Statutes as prescribe the salaries of the clerks and officers mentioned in Schedule "B" to this Act is hereby repealed, and the salaries of such clerks and officers, respectively, when not otherwise herein provided for, shall be such amounts as may be appropriated by the Legislature therefor.

Salaries of certain officers mentioned in the Revised Statutes.

#### OATHS OF OFFICE.

**40.** Immediately after this Act shall come into force, the deputy heads of departments and all officers or chief clerks and clerks of the Civil Service shall take and subscribe before the clerk of the Executive Council for Ontario, the Oath of Allegiance and the Solemn Declaration contained in Schedule "A" of this Act; and the clerk of the Executive Council for Ontario shall keep a register of such oaths; and every deputy head, officer, or chief clerk, or clerk who shall hereafter be appointed, shall, before entering upon the duties of his office, take and subscribe the same oaths respectively.

Oaths of office.

**41.** This Act shall apply to the permanent officers and servants of the Legislative Assembly—saving always all legal rights and privileges of the House as respects the appointment or removal of its officers and servants or any of them.

Act applies to officers, &c., of House of Assembly.

**42.** In this Act the expression "Head of a Department," means the member of the Executive Council for the time being presiding over such department.

"Head of Department" construction of.

**43.** This Act may be cited as "The Ontario Public Service Act, 1878," and shall come in force on the first day of January, 1879.

Short title.

#### SCHEDULE "A."

I (A. B.) solemnly and sincerely declare that I will faithfully and honestly fulfil the duties which devolve upon me as

Declaration.

and that I will not ask or receive any sum of money, service, or recompense, or matter, or thing whatsoever directly or indirectly in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by Law or by an Order of the Lieutenant-Governor in Council.

## SCHEDULE "B."

Inspector of Prisons.  
 Medical Superintendents of the Asylums.  
 Bursars of the Asylums and Public Institutions.  
 The Clerk of the Crown and Pleas of the Court of Queen's Bench.  
 The Clerk of the Crown and Pleas of the Court of Common Pleas.  
 The Master in ordinary of the Court of Chancery.  
 The Registrar of the Court of Chancery.  
 The Referee in Chambers.  
 The Process Clerk.  
 The Senior and Junior Clerks in the Court of Queen's Bench and Common Pleas.  
 The Clerk in the Master's office.  
 The Clerk of the Registrar of the Court of Chancery.

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## CHAPTER 3.

An Act respecting the Maritime Court of Ontario.

[Assented to 7th March, 1878.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The Court  
may use Court  
house &c.

1. In case sittings of the Maritime Court of Ontario or of any Judge thereof are appointed to be held in any city, town or place in which a court-house is situated, the Court or Judge shall, for all purposes connected with the said Maritime Court and its process, have the same authority as the County Court or a Judge thereof, in regard to the use of the court-house, gaol and other buildings or apartments set apart in the county for the administration of Justice.

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## CHAPTER 4.

## An Act Respecting the Magistracy.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every judge of the Supreme Court of Canada, of the Exchequer Court of Canada, of the Court of Appeal, and of each of the Superior Courts of Law and Equity, shall be, *ex-officio*, a justice of the peace for every county and part of Ontario.

Judges of Superior Courts, &c., to be justices of the peace.

2. No action or suit shall be brought against any judge, stipendiary, or police magistrate, justice of the peace, or officer for any act or thing by him done under the supposed authority of a statute or statutory provision of the Province, or of the Dominion of Canada, which statute or statutory provision was beyond the legislative jurisdiction of the Legislature of the Province or of the Parliament of Canada, as the case may be provided such action or suit would not lie against him if the said statute or statutory provision had been within the legislative jurisdiction of the Parliament or Legislature which assumed to enact the same.

Protection to those acting under statutes *ultra vires*.

(2). Where, notwithstanding the above provision an action or suit is sustainable against any judge, stipendiary or police magistrate, justice of the peace, or officer, for any act or thing by him done under the authority of a statute, or statutory provision, as in the above provision, such action shall only be sustainable subject to the like provisions as such action would be subject to if such statute or statutory provision were valid; and the like damages, and no more, shall be recoverable in any such action as under the like circumstances could have been recovered if such statute or statutory provision had been valid as aforesaid.

Cases wherein above does not protect.

(3). This section shall apply to any act or thing heretofore done, as well as to any act or thing hereafter done, coming within the purview of such sections, and to any action or suit which may be brought or may be now pending in respect of such act or thing, and the plaintiff, in any such pending action, or suit, may, by leave of the court or judge, discontinue such action or suit with or without costs, or upon such terms as to the said court or judge shall seem reasonable.

Retrospective operation.

3. No defect in form in any information or warrant taken before or signed by a Justice of the Peace shall prevent such Justice from claiming the benefit and protection of the Revisions.

Defects in form of informations or warrants not to prevent

Justices from claiming the protection of R. S. c. 73.

vised Statutes, chapter seventy-three, if the Court before which, or Judge before whom, the action is tried shall be of opinion that the Justice acted in good faith, and that the informant or complainant intended, by the facts stated to such justice, to charge the commission of an offence which, if the same had been set forth in proper form in the said information or warrant, would be one within the jurisdiction of such Justice, and in any such case the informant or complainant shall be liable to prosecution as if the information had charged in proper form the commission of the offence so intended to be charged.

Conditions on quashing summary convictions as to actions of trespass against Justices of the Peace.

4. Where application is made to a Superior Court or Judge thereof, to quash a summary conviction in any case within the jurisdiction of this Legislature, such Court or Judge may, as a condition of quashing the same, if such Court or Judge shall think fit so to do, provide that no action of trespass shall be brought against the Justice of the Peace who made the said conviction.

Actions of trespass when information does not contain a proper description of the offence.

5. No person who has in good faith as aforesaid intended to charge another person, who shall hereafter be arrested by the direction of the said person so charging the said offence, under any warrant signed by any Justice of the Peace, with the commission of any offence, shall be liable to be sued in trespass, in consequence only of the information sworn before a Justice of the Peace, or the warrant signed by him not containing a proper description of such offence.

Fees to justices.

6. Justices of the Peace shall be entitled to a fee of fifty cents for hearing and determining a case, although the same does not result in a conviction; and the following item shall be added to Schedule "A," of the Revised Statutes, chapter seventy-seven, respecting the Fees of Justices of the Peace :—

For hearing and determining the case \$0.50.

Provision in case of absence of Police Magistrate.

7. In case of the absence, or illness, or at the request of a Police Magistrate, any two or more Justices of the Peace may act in his place in any matter within the jurisdiction of such Police Magistrate, and the said Justices of the Peace, or a majority of them shall in such case have all the powers which by any statute are given to such Police Magistrate; but this section shall not be construed to prevent one Justice of the Peace from acting for the Police Magistrate, whenever by law one Justice of the Peace would heretofore have jurisdiction in that behalf.

Oath in lieu of oath of office.

8. The oath set forth in Schedule "A" to this Act may be taken by any Justice of the Peace, in lieu of the oath of office heretofore taken by Justices of the Peace; and the same may be taken before any other Justice of the Peace, or before any person appointed by the Lieutenant-Governor to administer oaths



oaths and declarations, or before the clerk of the peace of the county or district in which such justice is to act.

(2). The like oath of office shall be taken before one of the said persons or officers by every police magistrate hereafter appointed, before he takes upon him to act as a police magistrate.

Oath of office  
by police  
magistrate.

(3) Every oath of qualification taken by a Justice of the Peace, and every oath of office or allegiance taken by a Police Magistrate or Justice of the Peace, shall, forthwith after the same is taken be transmitted or delivered by such Police Magistrate or Justice of the Peace to the Clerk of the Peace of the County or District within which such Police Magistrate or Justice of the Peace is to act, and shall be filed in the office of the Clerk of the Peace. In the case of Justices of the Peace for the Temporary Judicial District of Nipissing, such oath shall be filed with the Clerk of the Peace for the County of Renfrew.

Oaths to be  
sent to Clerk  
of Peace.

9. When the Lieutenant-Governor in Council is of opinion that the due administration of justice requires the temporary appointment of a police magistrate for a county or any part of a county, the Lieutenant-Governor in Council may appoint such police magistrate accordingly; and any magistrate so appointed shall hold office during the pleasure of the Lieutenant-Governor, and shall have and exercise within the county or territory for which he is appointed, all the powers, authorities, rights, privileges, and jurisdiction, so far as the same are within the authority of the Legislature of Ontario, by law appertaining to police magistrates appointed for cities, and shall be entitled to take the same fees as other justices of the peace; the appointee shall hold office without salary; but the said provision as to salary shall not apply to any case in which the Legislature, or the county council, or other municipal council, shall see fit to appropriate or pay a salary to such police magistrate.

Lt.-Governor  
may appoint  
police magis-  
trates.

Powers.

Fees.  
Salary.

(2). Every such police magistrate shall, *ex-officio*, be a justice of the peace for the whole county for which, or for part of which, he has been appointed, but it shall not be his duty, unless he finds it convenient so to do, to entertain any complaint with reference to an offence committed outside of the limits of the territory for which he is police magistrate.

*Ex-officio* a  
J. P.

(3). No other justice of the peace shall admit to bail or discharge a prisoner, or adjudicate upon or otherwise act until after judgment in any case prosecuted under the authority of any statute of Ontario where the initiatory proceedings were taken by or before such police magistrate, except at the general sessions of the peace, or in the case of the illness, or absence, or at the request, of the police magistrate; and no such police magistrate shall have authority to act in any case for any city, town or village which has a police magistrate, of its own, except at

Proceedings  
had before P.  
Magistrate not  
to be interfered  
with by an-  
other J. P.

at the general sessions of the peace, or in the case of the illness, absence, or at the request of such last mentioned police magistrate; but nothing herein contained shall be construed to prevent a police magistrate appointed under this Act from acting within any such city, town or village, in respect of any case arising outside of such city, town or village.

P. Magistrate  
may sit alone  
with power of  
two justices

(4). Any such police magistrate shall have power to do alone whatever is authorized by any statute in force in this Province, relating to matters within the legislative authority of the Legislature of the Province, to be done by two or more justices of the peace; and such police magistrate shall have such power while acting anywhere within the county for which he is *ex-officio* a justice of the peace.

P. Magis-  
trate's powers  
as to offences  
against by-  
laws and as to  
refusing office.

(5). Any such police magistrate shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the county within which he is to act, and of any municipality within the county; and for penalties for refusing to accept office; or to make the necessary declarations of qualification and office.

Jurisdiction  
of Justices  
where proceed-  
ings not begun  
by P. Magis-  
trate.

(6). Nothing in this Act contained shall be construed to interfere with the jurisdiction of other Justices of the Peace in cases in which the initiatory proceedings are not taken by the Police Magistrate; nor shall anything in this Act contained be construed to prevent other Justices of the Peace from acting with the Police Magistrate, at the request of the Police Magistrate.

Qualification  
and residence  
of Police  
Magistrates.

(7). It shall not be necessary for any police magistrate appointed under this Act to possess any property qualification, or to be actually resident within the county, for which, or for part of which, he is appointed.

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#### SCHEDULE A.

I, A. B., of the \_\_\_\_\_, in the County of \_\_\_\_\_, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of Justice of the Peace, (or Police Magistrate, *as the case may be*) and I will do right to all manner of people, after the laws and usages of this Province, without fear or favour, affection or ill-will. So help me God.

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## CHAPTER 5.

## An Act respecting the winding up of Joint Stock Companies.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “The Joint Stock Companies’ Short Title Winding-up Act.”

2. This Act shall apply to all incorporated companies or associations incorporated by the Legislature of the Province of Ontario, or under the authority of any Act of this Province, and to all companies and associations which were incorporated by the Parliament of the Province of Upper Canada, or of the Province of Canada, or under the authority of any Act of the Province of Canada, whose incorporation and the affairs thereof, in the particulars hereinafter mentioned, are subject to the legislative authority of this Province.

## INTERPRETATION.

3. Unless otherwise expressed, or otherwise indicated by the context, the word “Court,” as used in this Act, means any county court; and any judge of a county court may either in term time or vacation exercise all the powers conferred by this Act upon the court;

Application of Act.

Power of County Court Judge.

2. The term “contributory” means every person liable to contribute to the assets of a company under this Act, in the event of the same being wound-up: it shall, also, in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory;

“Contributory.”

3. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in due course of administration to contribute to the assets of the company in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly;

Case of death of contributory.

4. The expression “extraordinary resolution” in this Act means a resolution passed by a majority of not less than three-fourths of such members of the company, for the time being entitled to vote, as may be present in person, or by proxy (in cases where,

“Extraordinary resolution.”

where, by the Act or charter or instrument of incorporation or the regulations of the company proxies are allowed), at any general meeting of which notice specifying the intention to propose such resolution has been duly given ;

“Special resolution.”

5. The expression “special resolution” in this Act means a resolution passed in the manner necessary for an extraordinary resolution, where the resolution, after having been so passed as aforesaid has been confirmed by a majority of such members (entitled according to the Act, charter or instrument of incorporation or the regulations of the company to vote) as may be present in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days or more than one month from the date of the meeting at which the resolution was first passed.

#### WHEN COMPANIES MAY BE WOUND UP.

When companies may be wound up voluntarily.

4. A company may be wound up under the Act :

1. Where the period, if any, fixed for the duration of the company by the Act, charter or instrument of incorporation has expired ; or where the event (if any) has occurred, upon the occurrence of which it is provided by the Act or charter or instrument of incorporation that the company is to be dissolved ; and the company in general meeting has passed a resolution requiring the company to be wound up ;

On special resolution.

2. Where the company has passed a special resolution (as hereinbefore defined) requiring the company to be wound up ;

On extraordinary resolution for liabilities.

3. Where the company (though it may be solvent as respects creditors) has passed an extraordinary resolution (as hereinbefore defined) to the effect that it has been proved to their satisfaction that the company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same.

When by order of the court.

5. Where no such resolution has been passed as mentioned in the preceding section, the court may, on the application of a contributory, make an order for winding up, in case the court is of opinion that it is just and equitable that the company should be wound up.

Time and commencement of winding up.

6. A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up, or of making the order directing the winding up.

#### REGISTRATION.

Registration of winding up.

7. A copy of the resolution or order for winding up, certified by the liquidator, may be registered in the registry office of any county,



county, riding or registration division wherein the company may have any real estate; such resolution or order shall be accompanied by a description of the real estate belonging to the company in the County, and certified by the liquidator to be a correct description; and the Registrar shall register the said order and description upon payment to him of a fee of one dollar.

#### CONSEQUENCES OF COMMENCING TO WIND UP.

8. The following consequences shall ensue upon the commencement of the winding up of a company under the authority of this Act: Consequences on commencement to wind up.

(1). The company shall, from the date of the commencement of such winding up, cease to carry on its business, except in so far as may be required for the beneficial winding up thereof; and any transfers of shares, except transfers made to or with the sanction of the liquidators, or any alteration in the status of the members of the company, after the commencement of such winding up, shall be void, but the corporate state and all the corporate powers of the company shall, notwithstanding it may be otherwise provided by the Act charter or instrument of incorporation, continue until the affairs of the company are wound up. Extent to which company to exist after commencement of winding up. Transfer of shares.

(2). The property of the company shall be applied in satisfaction of its liabilities; and subject thereto, and to the charges incurred in winding up its affairs, shall (unless it is otherwise provided by the Act, Charter, or Instrument of Incorporation) be distributed amongst the members according to their right and interests in the company. Property of Company.

(3). Liquidators shall be appointed for the purpose of winding up the affairs of the company and distributing the property. Liquidators.

(4). The company, in general meeting, shall appoint such persons or person as the company thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or to him, and they shall give such security as the contributories or the court may determine. appointment of. Remuneration Security.

(5). If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him. One liquidator.

(6). Upon the appointment of liquidators, all the powers of the directors shall cease, except in so far as the company in general meeting, or the liquidators, may sanction the continuance of such powers. Cesser of powers of liquidators.

(7). Where several liquidators are appointed, every power hereby given may be exercised by such one or more of them Powers of several liquidators.

them as may be determined at the time of the appointment, or at a subsequent meeting, or, in default of such determination, by any number not less than two.

Appointment  
of Inspectors.

(8). The contributories may at any meeting appoint one or more Inspector or Inspectors, to superintend and direct the proceedings of the Liquidator in the management and winding-up of the estate; and in case of an Inspector being appointed, all the powers of the Liquidator shall be exercised subject to the advice and direction of the Inspectors; and the contributories may also at any subsequent meeting held for that purpose, revoke any such appointment; and upon such revocation, or in case of death, resignation or absence from the Province of an Inspector, may appoint another in his stead; and such Inspector may be paid such remuneration as the contributories may determine; and where anything is allowed or directed to be done by the Inspectors, it may or shall be done by the sole Inspector, if only one has been appointed.

Revocations.

Remuneration

Directions as  
to disposal of  
property of the  
company by  
liquidation.

(9). The contributories may, at any meeting, pass any resolution or order, directing the liquidator how to dispose of the property, real or personal, of the Company; and, in default of their doing so, the liquidator shall be subject to the directions, orders and instructions which he from time to time, receives from the inspectors, if any, with regard to the mode, terms and conditions on which he may dispose of the whole or any part of the property of the company.

#### GENERAL POWERS OF LIQUIDATORS.

Description  
and general  
power of liqui-  
dator.

9. The liquidator may be described in all proceedings by the style of "A. B., the liquidator of" (the particular company in respect of which he is appointed), and shall have power to do the following things:

Bring actions.

1. To bring or defend any action, suit or other legal proceeding in the name, and on behalf of, the company;

Carry on business.

2. To carry on the business of the Company so far as may be necessary for the beneficial winding up of the same;

Sell property.

3. To sell the real and personal property of the company by public auction or private contract, according to the ordinary mode in which such sales are made, with power to transfer the whole property to any person or company, or to sell the same in parcels, and on such terms as shall seem most advantageous; but no sale of the assets *en bloc* shall be made without the previous sanction of the contributories given at a meeting called for that purpose;

Sale of debts.

4. And in case, after having acted with due diligence in the collection of the debts, the liquidator finds that there remain

main debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the Contributories, or Inspectors (if any); and with their sanction, he may sell the same by public auction, after such advertisement thereof as they may order; and pending such advertisements, the liquidator shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than one hundred dollars shall be sold separately, except as herein otherwise provided;

5. To draw, accept, make, and endorse any bill of exchange or promissory note in the name and on behalf of the company; and to raise upon the security of the assets of the company, from time to time, any requisite sum or sums of money; and the drawing, accepting, making or endorsing of any such bill of exchange or promissory note as aforesaid, on behalf of the company, shall have the same effect, with respect to the liability of the company, as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such company in the course of carrying on the business thereof;

Draw, &c.,  
bills and notes.

6. To take out if necessary, in his official name, letters of administration to any deceased contributory; and to do in his official name any other act which may be necessary for obtaining payment of any money due from a contributory or from his estate, and which act cannot be conveniently done in the name of the company; and in all cases where he takes out letters of administration, or otherwise uses his official name, for obtaining payment of any money due from a contributory, such money shall, for the purpose of enabling him to take out such letters or recover such money, be deemed to be due to the liquidator himself;

Take out letters of administration to deceased contributories and collect debts.

7. To execute in the name of the company all deeds, receipts and other documents;

Executed deeds.

8. And to do and exercise all other acts and things that may be necessary for the winding up of the affairs of the company and the distribution of its assets; and for such purposes to use when necessary the Company's seal.

Other things.  
Company's seal.

10. The liquidator may fix a certain day or certain days on or within which creditors of the company and others having claims thereon are to send in their claims.

Time for creditors to send in claims may be fixed.

2. Where a liquidator has given such or the like notices of the said day as would be given by the Court of Chancery in an administration suit for creditors and others to send in to an executor or administrator their claims against the estate of a testator or intestate, the liquidator shall, at the expiration of the

Liquidators may distribute after expiring of time to creditors to claim.



the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the company, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which the liquidator has then notice; and the liquidator shall not be liable for the assets or any part thereof so distributed to any person of whose claim such liquidator had not notice at the time of distributing the said assets or a part thereof, as the case may be; but nothing in the present Act contained, shall prejudice the right of any creditor or claimant to follow assets into the hands of the person who may have received the same.

General scheme of liquidation may be authorised and compromises with creditors.

**11.** The liquidators may, with the sanction of an extraordinary resolution of the company, make such compromise or other arrangement as the liquidators deem expedient, with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable.

Power to compromise with debtors and contributories.

**12.** The liquidators may, with the sanction of an extraordinary resolution of the company, compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms, as may be agreed upon; with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give a complete discharge in respect of all or any such calls, debts or liabilities.

Take security.

Power to accept shares &c. as a consideration for sale of property to another Company.

**13.** Where any company is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another company, the liquidators of the first mentioned company, with the sanction of a special resolution of the company by whom they were appointed conferring either a general authority on the liquidators or an authority in respect of any particular arrangement, can receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other company, for the purpose of distribution amongst the members of the company which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing company.

(2.) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the members of the Company which is being wound up, subject to this proviso, that if any member of the company which is being wound up, who has not voted in favour of the special resolution passed by the Company of which he is a member, at either of the meetings held for passing the same, expresses his dissent from any such special resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say: (1) Either to abstain from carrying such resolution into effect; or (2) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution.

Sale or arrangement by liquidators binding unless a member objects.

Proceedings on objection.

(3.) No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the company, or for appointing liquidators;

Special resolution not invalid because prior to resolution to wind up.

(4.) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement; but if the parties dispute about the same such dispute shall be settled by arbitration;

Price payable to objecting member.

(5.) For the purpose of such arbitration the liquidator shall appoint one arbitrator, and the dissentient member shall appoint another, and the two arbitrators thus chosen (or in case they disagree, the county judge) shall appoint a third arbitrator;

Mode of determining price.

Arbitration.

(6.) The arbitrators thus chosen or any two of them, or the arbitrator of one party and an arbitrator appointed by the county judge (in case of the refusal or neglect of either party to appoint an arbitrator) shall finally determine the matter in dispute;

Majority to determine disputes.

(7.) In case of the disagreement of two arbitrators, where two only are acting, they may appoint an umpire, whose award shall be conclusive.

Umpire.

#### LIABILITY OF CONTRIBUTORIES.

14. As soon as may be after the commencement of the winding up of a company, the liquidator shall settle a list of contributories.

Settle list of contributories.

Shareholders' liability to contribute.

2. Every shareholder or member of the company or his representative is liable to contribute the amount unpaid on his shares of the capital, or on his liability to the company or to its members or creditors, as the case may be, under the Act, charter, or instrument of incorporation of the company; and the amount which he is liable to contribute shall be deemed assets of the company, and to be a debt due to the company as payable may be directed or appointed under this Act.

Case of transfer of shares by shareholder.

3. Where a shareholder has transferred his shares under circumstances which do not by law free him from liability in respect thereof, or where he is by law liable to the company or its contributories or any of them to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Act, and shall be liable to contribute as aforesaid to the extent of his liabilities to the company or the contributories independently of this Act, and the amount which he is so liable to contribute shall be deemed assets and a debt as aforesaid.

Contributories liable in a representative character to be distinguished in list.

4. The list of contributories shall distinguish between persons who are contributories as being representatives of or liable for others.

When real Representatives need not be inserted.

5. It shall not be necessary where the personal representative of any deceased contributory is placed on the list to add the heirs or devisees of such contributory; nevertheless such heirs or devisees may be added at any time afterwards.

List evidence of liability.

6. Any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories.

Settlement of list by the court.

15. The list of contributories may be settled by the Court, in which case the liquidator shall make out and leave at the chambers of the Judge a list of the contributories of the company; and such list shall be verified by the affidavit of the liquidator, and shall, so far as is practicable, state the respective addresses of, and the number of shares or extent of interest to be attributed to, each such contributory, and distinguish the several classes of contributories; and such list may from time to time, by leave of the Judge, be varied or added to by the liquidator.

Procedure on settling list by the court.

2. Upon the list of contributories being left at the chambers of the Judge, the liquidator shall obtain an appointment for the Judge to settle the same, and shall give notice in writing of such appointment to every person included in the list, and stating in what character; and for what number of shares, or interest, such person is included in the list; and in case any variation in or addition to such list is at any time made by the liquidator, a similar notice in writing shall be given to every person to whom such variation or addition applies. All such notices



notices shall be served four clear days before the day appointed to settle such list, or such variation or addition.

3. The result of the settlement of the list of contributories shall be stated in a certificate by the Clerk of the Court ; and certificates may be made from time to time for the purpose of stating the result of such settlement down to any particular time, or to any particular person, or stating any variation of the list.

Certificate of result of settlement,

16. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum to be paid by him, proceedings may be taken for administering the personal and real estate of such deceased contributory, or either of such estates, and for compelling payment thereof of the money due.

Provision for administration if personal representative fails to pay.

17. The liquidators may, at any time and before they have ascertained the sufficiency of the assets of the company, call on all or any of the contributories, for the time being settled on the list of contributories to pay, to the extent of their liability, all or any sums the liquidators deem necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding it up and for the adjustment of the rights of the contributories amongst themselves ; and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the call is made, may partly or wholly fail to pay their respective portions of the same.

Calls on contributories.

18. Where a person's name is on the list of contributories or is liable to be placed thereon, he shall be subject in respect of his liability, and on the application of the liquidator, to arrest and imprisonment, like any other debtor ; and he shall for that purpose be deemed a debtor to the Company, and a debtor to the liquidator, and his arrest may be by an order of the County Court Judge, whether the amount of his liability exceeds or not the ordinary jurisdiction of the said court ; and his being placed on the list of contributories under this Act shall be deemed a judgment, and the liquidator shall be deemed a creditor, within the meaning of the Act respecting Arrest and Imprisonment for Debt ; and the said persons shall respectively have the same remedies, and the County Court and Judges and the officers of justice shall in such cases have the same powers and duties (as nearly as may be), as in corresponding cases under the said Act.

Contributories liable to arrest like debtors under Revised Stat. c. 67.

#### LIQUIDATOR'S DUTIES.

19. No Liquidator shall employ any counsel, solicitor, or attorney-at-law without the consent of the Inspectors, or of the contributories.

Employment of counsel by Liquidators.

Liquidators or Inspectors not to purchase assets of Company.

2. No Liquidator or Inspector shall purchase, directly or indirectly, any part of the stock in trade, debts or assets of any description of the estate.

Deposit in bank by Liquidators.

3. The Liquidator shall deposit at interest in some chartered bank to be indicated by the Inspectors or by the Court, all sums of money which he may have in his hands, belonging to the company, whenever such sums amount to one hundred dollars ;

Separate deposit account to be kept ; withdrawal from account.

4. Such deposit shall not be made in the name of the liquidator generally, on pain of dismissal ; but a separate deposit account shall be kept for the company of the moneys belonging to the company, in the name of the Liquidator as such, and of the Inspectors (if any) ; and such moneys shall be withdrawn only on the joint cheque of the Liquidator and one of the Inspectors, if there be any.

Liquidators to produce bank pass book at meetings, &c.

5. At every meeting of the contributories, the liquidators shall produce a bank pass book, showing the amount of deposits made for the company, the dates at which such deposits were made, the amounts withdrawn and dates of such withdrawal ; of which production mention shall be made in the minutes of such meeting, and the absence of such mention shall be *prima facie* evidence that such pass-book was not produced at the meetings ;

Liquidator to produce bank pass book when ordered.

6. The Liquidator shall also produce such pass book whenever so ordered by the Court at the request of the Inspectors or of a contributory, and on his refusal to do so, he shall be treated as being in contempt of court.

Liquidator and inspector to be subject to summary jurisdiction of Court.

7. Every Liquidator or inspector shall be subject to the summary jurisdiction of the Court in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction ; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property upon, in, or to any effects or property in the hands, possession or custody of a Liquidator, may be obtained by an order of the Court on summary petition, and not by any suit, attachment, seizure or other proceeding of any kind whatever ; and obedience by the Liquidator to such order may be enforced by such Court under the penalty of imprisonment, as for contempt of Court or disobedience thereto ; or he may be removed in the discretion of the Court.

Obedience how enforced.

#### EXPENSES.

Costs and expenses.

20. All costs, charges and expenses properly incurred in the voluntary winding-up of a company, including the remuneration of the liquidators, shall be payable out of the assets of the company in priority to all other claims.



**21.** In case of there being no agreement or provision fixing the remuneration of a liquidator, he shall be entitled to a commission on the net proceeds of the estate of the company of every kind, after deducting expenses and disbursements, such commission to be of five per cent. on the amount realized, not exceeding one thousand dollars, the further sum of two and a half per cent. on the amount realized in excess of one thousand dollars, and not exceeding five thousand dollars, and a further sum of one and a quarter per cent. on the amount realized in excess of five thousand dollars; which said commission shall be in lieu of all fees and charges for his services.

Remuneration of Liquidators in case no other fixed.

#### MEETINGS OF CONTRIBUTORIES.

**22.** If any vacancy occurs in the office of liquidators appointed by the company, by death, resignation or otherwise, a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or if none, then by any contributory of the Company;

Filling vacancies in office of liquidator.

(2.) The liquidators may from time to time, during the continuance of the winding up, summon general meetings of the company for the purpose of obtaining the sanction of the company by special resolution or extraordinary resolution, or for any other purposes they think fit;

General meetings during winding up.

(3.) In the event of the winding-up continuing for more than one year, the liquidators shall summon a general meeting of the Company at the end of the first year, and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient; and shall lay before such meeting an account, showing their acts and dealings, and the manner in which the winding-up has been conducted during the preceding year.

Annual meetings.

(4.) The liquidator shall also call meetings of the contributories whenever required in writing so to do, by the inspector or five contributories, or by the Court, and he shall state succinctly in the notice calling any meeting the purpose thereof.

Liquidators to call meetings of contributories.

(5.) The contributories may, from time to time, at any meeting, determine where subsequent meetings shall be held; and in the absence of such a resolution all meetings of the contributories shall be held at the office of the liquidator or of the Company, unless otherwise ordered by the Court.

Subsequent meetings. Where meetings to be held

(6.) Notice of any meeting shall for the purposes of this Act be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the Act, Charter or Instrument of incorporation or by the regulations of the company, or by the Court; or,

One mode of giving notice of meeting.

Another mode  
of notice of  
meeting.

(7.) Or, notice of the meeting may be given by publication thereof for at least two weeks in the *Ontario Gazette*, or by such other or additional notice as the Court or the Inspector or the company may direct, and by also, except where the Court otherwise directs, addressing notices of the meeting to the contributories within the Province, and to the representatives, within the Province, of contributories who reside out of the Province; and the said notices shall be posted at least ten days before the day on which the meeting is to take place, the postage being prepaid by the liquidator.

Voting to be  
in person or by  
proxy.

Scale of votes.

(8.) No Contributory shall vote at any meeting unless present personally, or represented by some person having a written authority (to be filed with the liquidator) to act on his behalf at the meeting or generally; and when a poll is taken reference shall be had to the number of votes to which each member is entitled by the Act, charter or instrument of incorporation or the regulations of the company.

#### ASSISTANCE OF THE COURT.

Applications  
to the court

**23.** The liquidators or any contributory of the company may apply to the Court to determine any question arising in the matter of such winding-up; or to exercise all or any of the powers following; and the Court, if satisfied that the determination of such question, or the required exercise of power, will be just and beneficial, may accede wholly or partially to such application, on such terms and subject to such conditions as the Court thinks fit; or it may make such other order on such application as the Court thinks just.

Stay of action  
against com-  
pany before  
order to wind  
up.

2. The Court, at any time after the presentation of a petition for winding up a company and before making an order for winding up the company, may restrain further proceedings in any action, suit, or proceeding against the company (other than under the Insolvent Acts in force at the time, or any other authority with which this Legislature has no jurisdiction) in and upon such terms as the Court thinks fit.

Stay of action  
after com-  
mencement of  
winding up.

3. The court may make an order that no suit, action or other proceeding shall be proceeded with or commenced against the company except with the leave of the Court, and subject to such terms as the Court may impose; but this section does not apply to proceedings under any Act of the Parliament of Canada under its jurisdiction in matters of bankruptcy and insolvency or otherwise; a copy of such order shall forthwith be advertised as the court may direct.

Settlement of  
list of contrib-  
utories.

Meetings of  
contributories  
may be or-  
dered.

4. The court may settle the list of contributories.

5. The Court may direct meetings of the contributories to be summoned, held and conducted in such manner as the Court thinks

thinks fit, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

Chairman.

6. The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the company, to pay, deliver, convey, surrender or transfer forthwith, or within such time as the court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the company is *prima facie* entitled.

Order for delivery by contributories and others of property, &c.

7. The Court may make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any moneys due from him or from the estate of the person whom he represents, to the company, exclusive of any moneys which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Act.

Order for payment by contributories.

8. The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into any bank appointed for this purpose in any general order made under this Act, or in default of such bank into any bank named in the order, or into any branch of such bank, to the account of the official liquidator instead of to the official liquidator, and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Power to order payment into a bank to account of official liquidator.

9. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the moneys, if any, thereby appearing to be due, or ordered to be paid, are due; and all other pertinent matters stated in such order are to be taken to be truly stated, as against all persons, and in all proceedings whatsoever, with the exception of proceedings taken against the real estate of any deceased contributory, in which case such order shall only be *prima facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time the order was made.

Order on contributory to be conclusive evidence, except as to real estate of deceased.

10. The Court may make such order for the inspection by the creditors and contributories of the company of its books and papers as the Court thinks just; and any books and papers in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise.

Inspection of books.



Examination  
of persons be-  
fore Court or  
Liquidator.

11. The Court may, at any time after the commencement of the winding up of the company, summon to appear before the Court or liquidator any officer of the company, or any other person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company; and in case of refusal to appear or answer the questions submitted, he may be committed and punished by the judge as for a contempt.

Production of  
books, &c.

12. The Court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the company.

Penalty on  
person sum-  
moned not at-  
tending.

13. If any person so summoned, after being tendered the fees to which a witness is entitled in the county courts, refuses to come before the Court or liquidator at the time appointed, having no lawful impediment, the Court may cause such person to be apprehended, and brought before the Court or liquidator for examination.

Mode of ex-  
amination.

14. The Court or liquidator may examine upon oath, any person appearing, or brought before them in the manner aforesaid concerning the affairs, dealings, estate or effects of the company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Subpoenas.

15. In any proceeding under this Act, the Court may order a writ of *subpœna ad testificandum*, or of *subpœna duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Ontario.

Liens.

16. Where any person claims any lien on papers, deeds, or writings or documents produced by him, such production shall be without prejudice to the lien; and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien.

Power of  
court to assess  
damages  
against delin-  
quent direc-  
tors, &c.

17. Where in the course of winding up any company under this Act, it appears that any past or present director, manager, official or other liquidator, or any officer of such company has misapplied, or retained in his own hands, or become liable or accountable for, any moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the Court may, on the application of any liquidator, or of any contributory of the company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, or other officer, and compel him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or

to



to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just.

**24.** If at any time any contributor who desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the Company, and the liquidator, under the authority of the contributories or of the inspectors, refuses or neglects to take such proceedings, after being duly required so to do, such contributory shall have the right to obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or company, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator, as the Court may prescribe; and thereupon any benefit derived from such proceedings shall belong exclusively to the contributory instituting the same for his benefit, and that of any other contributory who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the liquidator shall signify to the Court his readiness to institute such proceeding for the benefit of the Company, an order shall be made prescribing the time within which he shall do so and in that case the advantage derived from such proceeding; shall appertain to the company.

Proceedings by contributories, at their own expense and for their own benefit only.

**25.** If any vacancy occurs in the office of liquidator appointed by the company, by death, resignation or otherwise, the company in general meeting may fill up such vacancy;

Filling vacancies in office of liquidator.

**2.** If from any cause there is no liquidator acting, either provisionally or otherwise, the Court may on the application of a contributory, appoint a liquidator or liquidators;

Appointment by court.

**3.** The court may also on due cause shown, remove any liquidator, and appoint another liquidator.

Removal of liquidator.

**4.** When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator.

The case of no liquidator.

**26.** Any one or more contributories whose claims in the aggregate exceed five hundred dollars, who may be dissatisfied with the resolutions adopted or orders made by the contributories or the Inspectors, or with any action of the liquidator for the disposal of the property of the company, or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or winding up of the estate, may, within four clear days after the meeting of the contributories in case the subject of dissatisfaction is a resolution or order of the contributories, or within four clear days after becoming aware or having notice of the resolution of the inspectors or action of the liquidator where such resolution or action is the subject of dissatisfaction, give to the liquidator notice

Rescinding of resolution, &c., by the court.

notice that he or they will apply to the Court, on the day and at the hour fixed by such notice, and not being later than four clear days after such notice has been given, or as soon thereafter as the parties may be heard before such court, to rescind such resolutions or orders ;

Confirmation  
on varying re-  
solutions, &c.

2. The Court, after hearing the Inspectors, the liquidators and contributories present at the time and place so fixed, may approve, rescind or modify the said resolutions or orders ;

Costs

3. In case of the application being refused the party applying shall pay all costs occasioned thereby, and in other cases the costs and expenses shall be at the discretion of the Court.

Appeals.

**27.** Any party who is dissatisfied with any order or decision of the Court in any proceeding under this Act, may appeal therefrom to the Court of Appeal, or to any one of the judges of the said Court ; but any appeal to a single judge may, in his discretion, be referred, on a special case to be settled, to the full Court, and on such terms in the meantime as he may think necessary and just.

Security for  
damages and  
costs.

2. No such appeal shall be entertained unless the appellant has, within eight days from the rendering of such final order or judgment, taken proceedings on the said appeal, nor unless within the said time he has made a deposit or given sufficient security before a judge that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent.

Dismissal of  
appeal.

3. If the party appellant does not proceed with his appeal, as the case may be, according to the law or the rules of practice, the Court, on the application of the respondent, may dismiss the appeal, and condemn the appellant to pay the respondent the costs by him incurred.

Judgment  
final.

4. The judgment of the said Court of Appeal shall be final.

Powers of  
Court to be  
in addition to  
other power.

**28.** Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting, either at law or in equity, of instituting proceedings against any contributory, or against any debtor of the company for the recovery of any call or other sums due from such contributory, or against any debtor of the company, for the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Enforcing of  
orders.

**29.** All orders made by the Court may be enforced in the same manner as orders of such Court made in any suit pending therein, or orders of the Court under the Insolvent Acts in force

force at the time may be enforced ; and for the purposes of this part of the Act, the County Courts and the judges thereof shall, in addition to their ordinary powers, have the same power of enforcing any orders made by it, as the Court of Chancery has in relation to matters within the jurisdiction of that Court ; and for the last-mentioned purposes the jurisdiction of the County Court Judge shall be deemed to be co-extensive in local limits with the jurisdiction of the Court of Chancery.

Powers of  
County  
Courts.

**30.** The various County Courts of the Province, and the Judges of the said Courts respectively shall be auxiliary to one another for the purposes of this Act ; and the winding up of a company, or any matter or proceeding relating thereto, may be transferred from one County Court to another with the concurrence, or by the order or orders, of the two courts, or by an order of a judge of the Court of Appeal.

County  
Courts to be  
auxiliary.  
Transfer to  
another Court.

#### MATTERS OF PRACTICE.

**31.** Where any order made by one Court is required to be enforced by another Court, an office copy of the order so made, certified by the clerk of the Court which made the same, and under the seal of such Court, shall be produced to the proper officer of the Court required to enforce the same, and the production of such copy shall be sufficient evidence of such order having been made ; and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order in the same manner as if it were the order of the Court enforcing the same.

Enforcement  
of order of one  
Court by ano-  
ther.

**32.** Any application to the Court for winding up of a company under this Act shall be by petition ; and the petition may be presented by the company, or by any contributory or contributories of the company.

Petition on  
winding up.

(2.) Upon hearing the petition the Court may dismiss the same, with or without costs, or may adjourn the hearing, conditionally or unconditionally, and may make an interim order, or any other order that it deems just.

Course of  
Court on hear-  
ing of petition.

**33.** The Court at any time after an order has been made for winding up a company, may, upon the application by motion of any contributory, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit.

Stay of Pro-  
ceedings to  
wind up.

**34.** The rules of procedure for the time being as to amendments of pleadings and proceedings in the County Court, shall as far as practicable apply to all pleadings and proceedings under

Rules of pro-  
cedure in  
ordinary cases,  
&c., to apply.



Amendments

under this Act; and any Court or liquidator before whom such proceedings are being carried on shall have full power and authority to apply the appropriate rules as to amendments to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended or disregarded under the rules and practice of the Court.

Language of proceedings, &amp;c.

**35.** In every petition, application, motion, or other pleading or proceeding under this Act, the parties may state the facts upon which they rely, in plain and concise language; and to the interpretation thereof, the rules of construction applicable to such language in the ordinary transactions of life shall apply.

Books, &c., to be *prima facie* evidence.

**36.** All books, accounts, and documents of the company and of the liquidator, shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

Service of subpoenas, &amp;c.

**37.** All rules, writs of subpoena; orders and warrants issued by any Court in any matter or proceeding under this Act, may be validly served in any part of Ontario upon the party affected or to be affected thereby, and the service of them may be validly made in such manner as is now prescribed for similar services, and the person charged with such service shall make his return thereof under oath.

Length of notice of proceedings. Service of notice.

**38.** Except when otherwise provided, four clear juridical days' notice of any petition, motion, order or rule shall be sufficient; and service of such notice shall be made in such manner as a similar service in a civil suit.

Affidavits, before whom sworn.

**39.** Any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Act, may be sworn or made in Ontario, before the Liquidator, or before any liquidator, judge, notary public, commissioner for taking affidavits, or Justice of the peace; and out of Ontario, before any Judge of a Court of Record, any commissioner for taking affidavits to be used in any Court in Canada, any notary public, the chief municipal officer for any town or city, any British consul or vice-consul, or any person authorized by or under any Statute of the Dominion or of this Province to take affidavits.

Courts, &amp;c., to take judicial notice of seals signatures, &amp;c.

**2.** All Courts, judges, justices, commissioners and persons acting judicially, shall take judicial notice of the seal, or stamp or signature (as the case may be) of any such Court, judge, notary public, commissioner, justice, chief municipal officer, consul, vice-consul, liquidator or other person, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Act.



## DISSOLUTION OF COMPANY.

**40.** As soon as the affairs of the company are fully wound up, the liquidators shall make up an account showing the manner in which such winding up has been conducted, and the property of the company disposed of; and thereupon they shall call a general meeting of the company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators; the meeting shall be called by advertisement, specifying the time, place, and object of such meeting; and the advertisement shall be published one month at least previously thereto.

Account of winding up to be made by liquidator to a general meeting.

(2.) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held; which return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing of such return, the company shall be deemed to be dissolved.

Return of holding of meeting to be sent to Provincial Secretary.  
Dissolution of Co.

**41.** Or whenever the affairs of the company have been completely wound up, the Court may make an order that the company be dissolved from the date of such order, and the company shall be dissolved accordingly: which order shall be reported by the liquidator to the Provincial Secretary.

Order for Dissolution.

Report to Provincial Secretary.

**42.** If the Liquidator makes default in transmitting to the Provincial Secretary the return mentioned in the fortieth section, or in reporting the order (if any) declaring the company dissolved, he shall be liable to a penalty not exceeding twenty dollars for every day during which he is in default.

Penalty on default in reporting by liquidator or in making return.

**43.** All dividends deposited in a Bank and remaining unclaimed at the time of the dissolution of the Company, shall be left for three years in the bank where they are deposited, and if still unclaimed, shall then be paid over by such Bank, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed, shall be paid over to the persons entitled thereto.

Disposition of unclaimed dividends.

**44.** Every liquidator shall, within thirty days after the date of the dissolution of the company, deposit in the bank appointed or named as hereinbefore provided for, any other money belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands; and he shall be subject to a penalty of not exceeding ten dollars for every day on which he neglects or delays such payment; and he shall be a debtor to Her Majesty for such money, and may be compelled as such to account for and pay over the same.

Deposit by liquidator after dissolution of moneys with sworn statement.

Penalty on omission.

Money deposited to lie three years.

(2.) The money so deposited shall be left for three years in the bank, and shall be then paid over with interest to the Treasurer of the Province, and if afterwards claimed shall be paid over to the person entitled thereto.

Disposal of books, &c., after winding up.

(3.) Where any company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the company and of the Liquidators may be disposed of in such a way as the Company by an extraordinary resolution directs.

After five years responsibility as to custody of books, &c., to cease.

(4.) After the lapse of five years from the date of such dissolution no responsibility shall rest on the Company or the Liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

#### RULES TO CARRY OUT ACT.

Board of county judges to make rules and forms as to proceedings and costs, &c.

**45.** The Board of County Judges from time to time shall make, and frame and settle the forms, rules and regulations to be followed and observed in proceedings under this Act, and shall make rules as to the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors or counsel, and by or to officers of courts, whether for the officers or for the Crown, and by or to sheriffs, or other persons whom it may be necessary to provide for, or for any service performed or work done under this Act.

Allowance or disallowance by court of appeal.

(2.) The Board of County Judges or any three of them, shall under their hands, certify to the Chief Justice of the Court of Appeal, all Rules and Forms made under this Act and the Judges of the said Court (of whom the said Chief Justice shall be one) may approve of, disallow, or amend any such Rules or Forms; and the Rules and Forms so approved of (with or without amendment, as the case may be) shall have the same force and effect as if they had been made and included in this Act.

Practice till allowance of rules, &c.

(3.) Until such forms, rules and regulations are so approved and subject to any which shall be approved, the practice under this Act shall in cases not hereinbefore provided for, be the same (as nearly as may be), as under the Insolvent Acts for the time being in force in this Province.

## CHAPTER 6.

An Act to confirm the Revised Statutes of Ontario.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Revised Statutes of Ontario as printed by the Queen's Printer, and declared by proclamation of the Lieutenant-Governor in Council, dated the seventh day of December last past, to come into force on, from and after the thirty-first day of December last past, have been on, from and after said day, and shall hereafter be in force in this Province, to all intents and purposes as though the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after said day, subject, however, to the provisions of the tenth and following sections of the Act, chapter six of the Acts passed by the Legislature of this Province in the fortieth year of Her Majesty's reign, intituled "An Act respecting the Revised Statutes of Ontario," and to the Acts passed in the present Session of the Legislature.

Revised Statutes, as printed by the Queen's Printer, declared in force from 31st December, 1877,

subject to 40 V. c. 6, ss. 10-16, and Acts of this Session.

2. On, from and after the said thirty-first day of December last past, all the enactments in the several Acts and parts of Acts in the Schedule A. to the said Revised Statutes mentioned, so far as they relate to this Province, have been and shall remain repealed to the extent mentioned in the third column of said Schedule A., save only as is provided in the seventh, eighth and ninth sections of the said Act, intituled "An Act respecting the Revised Statutes of Ontario," and save as provided in any Acts passed during the present Session of the Legislature.

On and from 31st Dec., 1877, Acts in Schedule A. to Revised Statutes to be repealed with certain exceptions.

3. The Legislature is not, by reason of the passing of this Act, or of the Act passed in the fortieth year of Her Majesty's reign, intituled an Act respecting the Revised Statutes of Ontario, to be deemed to have adopted the construction which may, by judicial decision or otherwise, have been placed upon the language of any of the Statutes included amongst the Revised Statutes.

Non-adoption of construction by judicial decisions.



## CHAPTER 7.

## An Act to amend the law respecting Building Societies.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS, doubts exist as to whether a Society formed or incorporated under the provisions of chapter one hundred and sixty-four of the Revised Statutes of Ontario, intituled, "An Act Respecting Building Societies," or under any former Act respecting Building Societies, has power under the authority of any of the said Acts to sell or dispose of mortgages given or made directly to the Society, and it is expedient to remove such doubts and to grant additional powers to such societies ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to sell  
mortgages  
made to Build-  
ing Societies.

1. A society formed or incorporated under the provisions of the said recited Act, or under any former Act respecting Building Societies, has heretofore had, and any such society and every society hereafter formed or incorporated under the said recited Act, shall hereafter have, power and authority to sell, dispose of and assign mortgages given or made directly to it, in like manner as such Society may, under the provisions of the said Act, sell and assign mortgages purchased by it ; and the assignee of any such mortgage shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities, under, upon, or in respect to such mortgage as the Society would have been entitled to have had or been subject to if the assignment thereof had not been made.

Rights of  
Assignee.

Subscribed  
shares may be  
determined  
to be fixed  
capital.

2. The members of any such Society entitled to vote may, at any time, by resolution to be passed at any special or general meeting (for which meeting notice of such intended resolution shall be duly given) determine that all shares thereafter subscribed for in such Society shall be fixed and permanent capital and not liable to be withdrawn therefrom, and any share thereafter subscribed for in such Society shall be fixed and permanent capital and not withdrawable therefrom ; such shares shall be transferable in such manner as the By-Laws of the Society may direct, but no such share shall be transferred, while any call thereon is in arrear or until the same has been forfeited for non-payment of calls.

Transfer of  
shares.

Directors may  
fix the amount  
payable on  
subscription

3. The Directors of any such Society may fix the amount to be paid on the subscription of any such shares, and the premium (if any) which shall be paid thereon, and when such premium



premium shall be payable, and it shall be in the discretion of the Directors from time to time to call up the balance of any such shares at such time or times as they shall think best; and any such Society may from time to time pay, notwithstanding that such shares have not been paid in full, or the value thereof been realized, interest or dividend by way of annual or other periodical profits upon the amounts paid on such shares, and in all other respects, such shares shall be subject to the general provisions contained in the said Act.

for shares and  
premiums  
Calls.  
Dividends.

4. Section sixty-seven of the said Act is amended by striking out the word "six" in the fifth line thereof, and substituting therefor the word "twelve"; by inserting after the word "February" in the same line the words "or earlier than the end of the last preceding financial year of such Society" and by adding to sub-section (g) of the said section the words "which rate or rates shall be at least equal to the rate or rates which such mortgages or other securities respectively bear or were originally calculated to yield."

R. S. 164, s.  
67, amended.

## CHAPTER 8.

### An Act to make certain amendments in the Revised Statutes.

[Assented to 7th March, 1878.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Revised Act respecting the Territorial Division of Ontario, chapter five, section one, is amended by striking out the names of the Townships of Hagerty, Sherwood, Jones, Richards and Burns, as portions of the Judicial District of Nipissing, and adding the same to the County of Renfrew, and the said amendment shall be deemed to have been in force on and from the first day of January last.

R. S. c. 5, s. 1,  
amended by  
detaching  
townships in  
Nipissing.

2. The Revised Statute respecting the Court of Appeal, chapter thirty-eight, is amended by substituting the following for section twelve :

R. S. c. 38, s.  
12, amended  
as sitting of  
members of  
Court of  
Appeal.

12. No sitting of the Court of Appeal shall be held unless four of its members are present, where the appeal is from one of the Superior Courts; or unless three of its members are present where the appeal is from a County Court, or Judge of a Surrogate Court, or a Stipendiary Magistrate; and no greater  
\* number

number than four Judges of the said Court of Appeal shall sit at one time, except for the purpose of giving judgment.

Revised Stat.,  
c. 15, amended.

**3.** The Revised Statute, chapter fifteen, respecting public officers, is hereby amended by adding thereto the following section :

Members of  
Senate or  
Commons not  
to hold per-  
manent office  
at a salary.

**28.** No member of the Senate of Canada, or of the Commons of Canada, shall be appointed to or shall hold any permanent office or employment in the service of the Government of Ontario, at the nomination of the Crown or of the Lieutenant-Governor, to which any salary, or other emolument in lieu of salary, is attached ; but this section shall not be held to include justices of the peace, coroners, or notaries public, or any like office.

Revised Stat.,  
c. 39, amended.

**4.** The Revised Statute respecting the Court of Queen's Bench and Common Pleas, chapter thirty-nine, is amended by inserting the following :

Chief Justices  
to transfer  
causes so as to  
equalize the  
business of the  
two Courts.

**14a.** The Chief Justices of the said Courts of Queen's Bench and Common Pleas shall, on the first day in each Term, and from time to time thereafter as occasion may require, meet together and examine the list of motions, rules and other matters set down for arguments, and direct the transfer of such and so many of the said motions, rules and other matters, from the one Court to the other as shall as nearly as possible in their judgment equalise the amount of business to be done by each of the said Courts ; and after such transfer the motions, rules and other matters so transferred shall be heard and disposed of by the Court to which the transfer is made as if the said motions, rules and other matters so transferred had originated in the Court to which the transfer is made, and the judge's orders, and decrees so made by either of the said Courts shall have the same force and effect as if made by the other of them.

R. S. c. 40, s.  
104, amended.  
Payments  
to Suitors'  
Fee Fund  
abolished.

**5.** The Revised Statute respecting the Court of Chancery, chapter forty, section one hundred and four, so far as it directs payment of any fee to "The Suitors' Fee Fund Account" is hereby repealed.

Revised Stat.  
c. 47, s. 54,  
amended as to  
jurisdiction of  
Division  
Courts.

**6.** The Revised Statute respecting the Division Courts, chapter forty-seven, is hereby amended, by striking out the sixth, seventh, eighth, ninth and tenth lines of section fifty-four and substituting the following therefor, and the said section as amended shall be deemed to have been in force on and from the first day of January last :—

**2.** All claims and demands of debt, account or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed one hundred dollars ;

7. The Revised Statute respecting the better administration of Justice in the Courts of Ontario, chapter forty-nine, is hereby amended by inserting after section eight the following :—

R. S. c. 49,  
amended.

“8a. The Judges of the Superior Courts of Law, and Equity, shall in all appeals, motions in term, re-hearings or hearings in the nature of appeals, have the same power to receive further evidence upon questions of fact as is conferred on the Judges of the Court of Appeal by section twenty-two of chapter thirty-eight of the Revised Statutes of Ontario”

Power given to Superior Courts to receive further evidence in all appeals, &c.

8. The Revised Statute respecting the Procedure of the Superior Courts of Common Law and of the County Courts, chapter fifty, is hereby amended by inserting after section one hundred and sixty-six, the following :—

R. S. c. 50,  
amended.

“166a. Notwithstanding anything in this Act contained, where an examination in a cause or proceeding in any court is taken by the examiner, or any other duly authorized person, in shorthand, the examination may be taken down by question and answer; and in such case it shall not be necessary for the depositions to be read over to, or signed by, the person examined, unless the judge so directs where the examination is taken before a judge, or in other cases unless any of the parties so desires.”

Depositions taken in shorthand may be taken down by question and answer and need not be read over or signed.

“166b. A copy of the depositions so taken, certified by the person taking the same as correct, shall for all purposes have the same effect as the original depositions in ordinary cases.”

Certified copy to have effect of original depositions.

9. The said Statute respecting the Procedure of the Superior Courts of Common Law and of the County Courts is hereby further amended by inserting after section one hundred and seventy the following :—

R. S. c. 50,  
amended.

“170a. If any person fails, without sufficient excuse, to comply with an order for examination, discovery, or inspection, he shall, if a plaintiff, be liable to have his action dismissed for want of prosecution, and, if a defendant, to have his defence struck out, and to be placed in the same position as if he had not defended, and the Court or a Judge may make an order accordingly.

Penalty for non-compliance with order for examination, discovery or inspection.

“170b. The preceding sections as to preliminary examination of parties, and discovery and inspection of documents, shall, so far as practicable, apply to parties residing out of Ontario, and in such cases the court may order the examination of the parties to be taken at such place and in such manner as may seem just and convenient, and service of the order for examination, discovery, or inspection, and of all other papers necessary to obtain the benefit of the provisions of the said section

Law as to examination, discovery and inspection to apply to parties residing out of Ontario.

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tion shall be sufficient if made on the attorney or solicitor of the party in the suit, in the same manner as other papers in the suit are served on the attorney or solicitor therein; unless the court or judge make other order to the contrary; and if there is no such attorney or solicitor, or he cannot for any reason be served, the court or judge may order the service in any other manner to be mentioned in the order in that behalf.

Revised Stat.  
c. 73, s. 4,  
amended.

**10.** The Revised Statute for the Protection of Justices of the Peace and other Officers from Vexatious Actions, chapter seventy-three, section four, is hereby amended by inserting after the word "action," in the first line of the said section, the words, "as mentioned in this Act;" and by striking out the word "such" in the second line, and substituting the word "a;" and the said section as amended shall be deemed to have been in force on and from the first day of January last.

Revised Stat.  
c. 91, s. 11,  
repealed.

**11.** The Revised Statute respecting the Administration of Justice in the vicinity of Niagara Falls, chapter ninety-one, is hereby amended by striking out section eleven of the said Act, and the said Act shall be read as if the said amendment had been made on the first day of January last.

Revised Stat.  
c. 119,  
amended.

**12.** The Revised Statute respecting Mortgages and Sales of Personal Property, chapter one hundred and nineteen, is hereby amended by inserting the following after section six of the said Act:—

Affidavit of  
*bona fides* may  
be made by  
one of two or  
more bar-  
gainees or  
mortgagees.

**6a.** The affidavit of *bona fides* required by the two preceding sections may be made by one of two or more bargainees or mortgagees; and no sale or mortgage heretofore made shall be invalidated by reason of such affidavit being made by one only of several bargainees or mortgagees.

Revised Stat.  
c. 119, s. 24,  
amended.

(2.) The said statute respecting Mortgages or Sales of Personal Property, is further amended by striking out the words "for taking," in the second and third lines of section twenty-four, and substituting the words, "or other person in or out of the Province authorized to take."

Amendments  
to be deemed  
in force on 1st  
January, 1878.

(3.) The said amendments to the said statute respecting Mortgages and Sales of Personal Property shall be deemed to have been in force on and from the first day of January last.

R. S. c. 126, s.  
10, amended.

**13.** The Revised Statute respecting Dower, chapter one hundred and twenty-six, section ten, is hereby amended by inserting between the word "dower" and the word "and," in the tenth line, the words following:—

Value of  
dower may be  
fixed and  
secured.

"And he shall (unless the wife has been so living apart from her husband under such circumstances as disentitle her to dower)



dower) ascertain and state in the order the value of such dower, and order such amount to remain a charge upon the property, or be secured otherwise for the wife's benefit, or to be paid and applied for her benefit, as he deems best."

**14.** The Revised Statute respecting Assurances on the lives of Husbands and Parents for the benefit of their Wives and Children, chapter one hundred and twenty-nine, section thirteen, is hereby repealed and the following substituted therefor :

Revised Stat.  
c. 129, s. 13,  
repealed.

"The person insured may, from time to time, borrow from the company insuring or from any other company or person on the security of the policy, such sums as may be necessary to keep the said policy in force, and the sums so borrowed, together with such lawful interest thereon as may be agreed, shall be a first lien on the policy and on all moneys payable thereunder notwithstanding any such direction in favour of the wife and children or any or either of them."

Power to  
borrow on  
policy in order  
to keep same  
in force.

**15.** The Revised Statute respecting the study of Anatomy, chapter one hundred and forty-three is hereby amended by repealing sections three, four and five of the said Statute; and the same are hereby repealed and, the following substituted as section three :—

Revised Stat.  
c. 143,  
amended  
as to ss. 3, 4, 5.

"3. The Lieutenant-Governor may appoint during pleasure, a person, not being a medical practitioner, nor connected with any public or private school of medicine, to be Inspector of Anatomy for such part of the Province or for such City, Town or other locality therein as may be named in the appointment."

Appointment  
of Inspector of  
Anatomy.

**16.** The Revised Statute respecting the Incorporation of Joint Stock Companies by Letters Patent, chapter one hundred and fifty, is amended by inserting therein the following :—

Revised Stat.  
c. 150,  
amended.

**17a.** The directors of any company which has been heretofore incorporated or shall be hereafter incorporated under "The Ontario Joint Stock Companies' Letters Patent Act," or "The Ontario Joint Stock Companies' Letters Patent Act 1874," may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and otherwise over ordinary stock, as may be declared by such by-law.

Joint Stock  
Companies  
may issue pre-  
ferential  
stock.

(2) Such by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Powers to  
preference  
shareholders.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by the vote of the

Sanction re-  
quired as to  
preference  
shares.

the shareholders, present in person or by proxy at a general meeting of the company, duly called for considering the same, or unanimously sanctioned in writing by the shareholders of such company.

Ont. Jt. Stk.  
Letters Patent  
Act to apply  
on issue of  
preference  
stock.

(4) All the provisions of The Ontario Joint Stock Letters Patent Act not inconsistent with this Act shall apply to companies who may create and issue preferential stock hereunder; and holders of such stock shall be shareholders within the meaning of the said Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of the said Act, provided, however, that in respect of dividends and otherwise they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Rights and  
liabilities of  
holders.

Rights of  
creditors  
continued.

(5) Nothing in this section shall affect or impair the rights of creditors of any company.

Revised Stat.  
c. 161, s. 75,  
amended.

17. The Revised Statute respecting Mutual Fire Insurance Companies, chapter one hundred and sixty-one, section seventy-five, is hereby amended by striking out the words "this Act," in the last line of the said section and substituting the following:

Mutual Fire  
Insurance  
Companies.

"The Acts respecting Mutual Fire Insurance Companies in force before the said twenty-ninth day of March, one thousand eight hundred and seventy-three:" and the said section as amended shall be deemed to have been in force on and from the first day of January last.

Revised Stat.  
c. 167, s. 11,  
amended.

18. The eleventh section of the Revised Statute respecting Benevolent, Provident and other Societies, chapter one hundred and sixty-seven, is hereby repealed, and the following substituted therefor:

Freedom from  
claims of  
creditors.

11. When under the rules of a society any money becomes payable to, or for the use or benefit of, a member thereof, such money shall be free from all claims by the creditors of such member; and when, on the death of any member of a society, any sum of money becomes payable under the rules of the society, the same shall be paid by the treasurer or other officer of the society to the person or persons entitled under the rules thereof, or shall be applied by the society as may be provided by such rules; and such money shall be, to the extent of two thousand dollars, free from all claims by the personal representative or creditors of the deceased; and in case any sum is paid in good faith to the person who appears to the treasurer or other officer to be entitled to receive the same, or is applied in good faith for the purposes by the rules provided, no action shall be brought against such treasurer or other officer or the society in respect thereof; but nevertheless if it subsequently appears that such money has been paid to the wrong person, the

Payment in  
good faith to  
wrong person.

the person entitled thereto may recover the amount with interest from the person who has wrongfully received it.

**19.** The Revised Statute respecting Municipal Elections, chapter one hundred and seventy-four, section one hundred and forty-two, is hereby amended by striking out the word "making," in the second line of the said section, and substituting the word "marking."

Revised Stat.  
c. 174, s. 142,  
amended.

**20.** The Revised Statute respecting Public Schools, chapter two hundred and four, is hereby amended by adding the following sub-section to section twenty-nine:—

R. S. c. 204,  
s. 161,  
amended.

(2) In the case of a school section in any unorganised township, or in any municipality composed of one or more townships, but without county organization, any person therein whose place of residence is at a distance of more than three miles in a direct line from the site of the school-house of such section, shall be exempt from all rates for school purposes, unless any child of such ratepayer should attend such school.

Exemption  
from rates in  
certain cases.

**21.** The said statute respecting Public Schools is hereby further amended by adding the following sub-sections to section one hundred and sixty-one, namely:—

R. S. c. 204,  
s. 161,  
amended.

"(4.) Every teacher of a Public School shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which he has served, or the term of his agreement with such trustees."

Teacher  
entitled to  
salary during  
holidays and  
vacations.

"(5.) In case of sickness, certified by a medical man, such teacher shall be entitled to his salary, during such sickness for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees."

Salary in case  
of sickness.

**22.** The said statute respecting Public Schools is hereby further amended by adding to section one hundred and twenty the following: "But this shall not apply to the case of an additional school, which is provided for under section one hundred and three of this Act."

R. S. c. 204,  
s. 120,  
amended.  
Additional  
school.

**23.** The Revised Statute respecting Lunatic Asylums and the Custody of Insane Persons, chapter two hundred and twenty, is hereby amended by striking out section fifty-two of the said Act.

Revised Stat.  
c. 220, s. 52,  
repealed.



## CHAPTER 9.

## An Act respecting investments in Tile Drainage Debentures.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act shall be cited as "The Ontario Tile Drainage Act."

Councils may borrow.

2. The Council of any Township Municipality may pass by-laws for borrowing for the purposes hereinafter mentioned, a sum of not less than two thousand dollars, nor exceeding ten thousand dollars, and for issuing therefor the debentures of the Municipality in sums of one hundred dollars each, payable within twenty years from the first day of August in the year in which the money is borrowed from the Municipality as is hereinafter provided, and bearing interest at the rate of five per centum per annum, and it shall not be necessary to submit such by-law to a vote of the electors of the Municipality before the passing thereof: But no such by-law shall be valid unless the same is passed at a meeting of the Council specially called for the purpose of considering the same, and not less than four weeks after a notice of the day appointed for such meeting has been published in some newspaper issued weekly, or oftener, within the township, or, if there is no such public newspaper, then in a public newspaper published nearest to the township, or in the county town; which said notice shall be to the effect of Schedule F to this Act.

Passing of by-law.

Issuing and sales of debentures under by-law

3. The debentures issued under any such by-law may be issued and sold by the Municipality from time to time, as the Municipal Council thereof may require money for the purpose only of lending the same for tile drainage, as hereinafter provided.

Coupons.

4. Said debentures shall be made payable to the Treasurer of Ontario, or order (in the Form of Schedule E), and shall have coupons attached, and each of such coupons shall be for the sum of eight dollars, being as nearly as may be the sum required to meet the annual interest of the debenture and the annual sinking fund necessary for the repayment of the debentures at the expiration of twenty years.

Form of by law.

5. Such by-law may be in the form of Schedule "A." to this Act, and shall be promulgated as provided by the Municipal Institutions Act, Revised Statute chapter one hundred and seventy-four, sections three hundred and nineteen and three hundred and twenty.

6.



**6.** The Council of any Township Municipality, proposing to borrow money under the provisions of this Act may, after the expiration of the time limited for serving notice of intention to make application to quash the by-law, as provided by the Municipal Institutions Act, Revised Statutes, chapter one hundred and seventy-four, section three hundred and twenty-one, deposit with the Commissioner of Agriculture a copy of the by-law, with affidavits of the Reeve, and Clerk of the Municipality in the form Schedules B. and C. to this Act, and may at any time thereafter apply for the sale of the debentures authorized thereby for such sums as hereinafter provided : such application to be in writing and sealed with the seal of the Municipality and signed by the Reeve thereof, and shall specify the names of the parties to whom the money is to be loaned.

Application  
for sale of de-  
bentures.

**7.** The Commissioner of Agriculture shall investigate and report to the Lieutenant-Governor in Council as to the propriety of the investments proposed in such applications in the order of time in which they are deposited ; and such reports shall be disposed of by the Lieutenant-Governor in Council, in the order of time in which the same are made.

Commissioner  
of Agriculture  
to report to  
Lieutenant-  
Governor in  
Council.

**8.** Any person assessed as owner of land in the Municipality, wishing to borrow money for the purpose of tile draining the said land, may make application to the Council of the Municipality in the form of Schedule " D " to this Act.

Application to  
borrow.

**9.** On such application the Council may issue debentures for such amount within the sum authorized by this Act and by by-law of the Municipality, as they may deem expedient and proper, but not exceeding the sum or sums applied for, and not exceeding seventy-five per centum of the estimated cost of such tile drainage.

Issuing de-  
bentures on  
loan.

**10.** The Lieutenant-Governor in Council may from time to time, in his discretion, invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the sum of two hundred thousand dollars, in the purchase of any debentures issued under by-laws deposited as aforesaid, in respect of which the Commissioner of Agriculture shall have certified to the propriety of investment.

Purchase of  
debentures out  
of Con. Rev.  
Fund.

**11.** After any such investment has been made, the debentures shall not be questioned and shall be deemed to be valid to all intents and purposes.

Debentures  
made un-  
questionable.

**12.** The Council shall lend the money so borrowed for the purpose of tile drainage only for the same term of twenty years, in sums of one or more hundreds of dollars (no fractional part of a hundred dollars to be loaned), and to persons who are assessed as owners as aforesaid ; but no part of the money so borrowed shall be loaned to any member of the Council, but any

How and to  
whom loans  
to be made.

Non-disqualification as member of Council.

person having so borrowed any sum or sums from any Municipality shall not thereby and by reason thereof be disqualified from being afterwards elected a member of the Council of such Municipality.

Limit of amount to be loaned.

**13.** The Council shall not loan to any person borrowing money under this Act a sum which shall require the levying of a greater annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the lot or parcel of land proposed to be tile-drained, in respect of which the money is borrowed, as ascertained by the last revised Assessment Roll of the Municipality, but in no case shall more than the sum of one thousand dollars be loaned to one person.

Order in which loans are to be granted.

**14.** The Council shall consider the applications in the order they are made, and shall loan the money to the persons whose applications shall have been approved of in the same order.

Inspector, his expenses.

**15.** The Council borrowing money under this Act shall employ a competent person as Inspector of tile drainage, whose services and expenses shall be charged ratably upon the works carried on under his inspection, and shall be paid by the Council out of the money borrowed.

Inspector's report, contents.

**16.** The Inspector shall, on the completion of any drainage works under his charge, report to the Council the number of rods of drain constructed on each lot or parcel of land, the cost per rod, and such other particulars as may be required by the Council; report shall be entered in a book to be provided by the Council for that purpose, and the money shall not be advanced by the Council until such report of the due completion of the work has been so made.

Special annual rates.

**17.** The Council shall impose, by by-law (in the Form of Schedule G), levy and collect for the term of twenty years a special annual rate of eight dollars on each one hundred dollars loaned over and above all other rates upon the land in respect of which the money is loaned; and such rate shall be collected in the same manner as other special rates imposed under the provisions of the Municipal Act.

Owner may discharge his indebtedness.

**18.** The owner of any lot or parcel of land in respect of which money had been borrowed for tile drainage under this Act, may at any time obtain the discharge of his indebtedness under this Act, by paying the Treasurer of the Municipality the amount borrowed, less the annual sinking fund levied and collected, with interest thereon at the rate of five per centum per annum; and upon such payment being made to the said Treasurer, he shall forthwith transmit the same to the Treasurer of Ontario, who shall apply the same on account of the payment of the debentures of the Municipality under this Act.

**19.** Every Municipal Council borrowing money under this Act, shall on or before the fifteenth day of January in each year, make a return to the Lieutenant-Governor in Council, for the purpose of being laid before the Legislative Assembly, shewing the amount of money expended in tile drainage, the number of rods of tile drainage constructed, the names of the persons borrowing and the property upon which the money has been loaned, the names of the persons whose application has been refused, the reason in each case of such refusal, and during the year next preceding the date of such return.

Returns to  
Lieutenant-  
Governor in  
Council by  
Municipal  
Council.

**20.** The amount payable in any year under any such by-law or debentures, for principal and interest, shall be remitted by the Treasurer of the Township to the Treasurer of Ontario within one month after the same shall have become payable, together with interest at the rate of seven per centum per annum during the time of default in payment.

Township  
Treasurer to  
remit to  
Treasurer of  
Ontario.

**2.** In case of the continuance of such default, the Council of the Municipality shall, in the next ensuing year, (or as the case may require) assess and levy on the whole ratable property within the Municipality in the same manner in which taxes are levied for the general purposes of the Municipality, a sufficient sum to enable the Treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the Treasurer of Ontario the amount in arrear together with the interest thereon at the rate of seven per centum per annum, during the time of default in payment whether the same have been previously recovered from the parties or lands chargeable with the same or not.

On default,  
council to  
collect as a  
tax.

**3.** The amount so in arrear and interest at the said rate of seven per cent. shall, except as hereinafter provided, be the first charge upon all the funds of the Municipality, for whatever purpose or under whatever by-law they may have been raised other than sinking fund; and no Treasurer or other officer of the Municipality shall, after default, pay any sum whatsoever, except for the ordinary current disbursements and salaries of clerks and other employees of such Municipality, or debts due to the Government of Ontario having priority by virtue of any statute, out of any fund of the Municipality in his hands, until the sum in arrear and interest shall have been paid to the Treasurer of Ontario.

Arrears made  
a first charge  
on township  
funds; and no  
officer to pay  
out township  
funds except  
salaries, &c.

**4.** If any such Treasurer or municipal officer shall pay any sum out of the funds of his Municipality, except as aforesaid, contrary to the provisions hereinbefore named, he shall be liable to the Treasurer of Ontario for every sum so paid as for money received by him for the Crown, and he shall in addition thereto incur a penalty of five hundred dollars to be recovered with full costs of suit by any person who will sue for the same by action of debt or information in any of Her Majesty's Courts

Penalty on  
officers paying  
out funds  
when town-  
ship in default.



in this Province having jurisdiction, and in default of payment of the amount which the offender is condemned to pay within the period to be fixed by such court, such offender shall be imprisoned in the common gaol of the county for the period of twelve months unless he sooner pay the amount which he has been condemned to pay and the costs.

### Penalty on Reeve or Councillor disregarding this Act.

5. Any Reeve or Councillor wilfully omitting to see the foregoing provisions carried into effect, shall also be personally and individually liable to the Treasurer of Ontario for the full amount so in arrears and interest, to be recovered with costs by the said Treasurer of Ontario, in any suit as for money had and received for Her Majesty's behalf: Provided always that no assessment, levy or payment made under this section shall in any wise exonerate the persons or lands chargeable from liability to the Municipality.

Affidavits,  
before whom  
sworn.

**21.** Affidavits under this Act may be sworn before a Justice of the Peace, or before a Commissioner for taking affidavits in the Courts of this Province.

### SCHEDULE "A."

(Section 5.)

FORM<sup>2</sup> OF BY-LAW.

*A By-law to raise the sum of \_\_\_\_\_ dollars to aid in the construction of tile drains.*

The Municipality of the Township of \_\_\_\_\_, pursuant to the provisions of an Act of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign, chaptered \_\_\_\_\_, enacts as follows :

1. That the Reeve of the said Township may from time to time, subject to the provisions of this by-law, borrow on the credit of the corporation of the said Municipality such sums of money not exceeding in the whole                      dollars, as may be decided by the said Council, and may in manner herein-after provided, issue debentures of the said corporation in sums of one hundred dollars each for the amount so borrowed; the said debentures to have coupons attached as provided in the fourth section of the said Act.

2. That when the Council shall be of opinion that the application of any person or persons who may be assessed as owners of land in the said municipality, to borrow money for the purpose of constructing tile drains should be granted in whole or in part, then the said Council may, by resolution, instruct the said Reeve to issue debentures as aforesaid, and borrow such sum of money as does not exceed the amount applied



plied for, and may loan the same to the said applicant on the completion of said drainage works.

3. A special annual rate shall be imposed, levied and collected over and above all other rates upon the land in respect of which the said money shall be borrowed, sufficient for the payment of the interest and sinking fund, as provided in the said Act.

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### SCHEDULE "B."

(Section 6.)

*Affidavit of Reeve or other Head Officer.*

County of                                 } I,                                 of the  
                   TO WIT:                         }                                 of  
 in the County of                                 and Province of Ontario,  
 (Reeve) of the Township of                                 make oath and  
 say:—

1st. I have not been served with any notice of intention to make application to quash a certain by-law passed on the day of                                 in the year of our Lord                                 by the Municipal Council of the said Township of                                 No.                                 intituled (*give title of by-law*.) nor have I been served with any notice of intention to make application to quash any part of said by-law, nor with any notice to that or the like effect.

Sworn, &c.

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### SCHEDULE "C."

(Section 6.)

*Affidavit of Clerk of Municipality.*

County of                                 } I,                                 of  
                   TO WIT:                         }                                 of  
 in the County of                                 and Province of Ontario,  
 Clerk of the said Township of                                 make  
 oath and say:—

1. On the                                 day of                                 in the year of our Lord                                 the municipal council of the said Township of                                 passed a by-law in regard to the borrowing of money to be lent for the construction of tile drains, being No.                                 and intituled (*state title of by-law*), a true copy of which by-law duly certified by me is now shown to me and is marked "A."

2. A notice setting forth the object of the said by-law, and stating that any one intending to apply to have such by-law or any part thereof quashed, must within twenty days after the first publication thereof serve a notice in writing upon the

the reeve or other head officer of the municipality, and upon the clerk of the municipality, of his intention to make application for that purpose to one of Her Majesty's superior courts of law at Toronto, during the term next ensuing the final passing of the by-law, was published on (*insert here the dates of publication*), in the (*insert name of newspaper*), newspaper published at            in the Township of [*or the town or Township of*            (*as the case may be,*) being the public newspaper published nearest the said Township of            *or in the county town in which a newspaper is published*, there being no newspaper published in the said Township of            ], a copy of which newspaper containing the said notice is now shown to me, marked "B."

3. I have not been served with any notice of intention to make application to quash the said by-law, nor with any notice of intention to make application to quash any part thereof and with any notice to that or the like effect.

Sworn, &c.

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#### SCHEDULE "D."

(Section 8.)

To the Municipal Council of

I, A. B, owner of (*if part state what part*), lot No.            in Concession of the Township of            hereby apply for a loan of \$            to assist in the construction of            rods of tile drains            proposed depth of drain            inches proposed size of tile            inch.

(Signed)            A. B.

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#### SCHEDULE "E."

(Section 4.)

\$100.

Tile Drainage Debenture of the Township of            .  
The Corporation of the Township of            , in the County of            hereby promises to pay to the Treasurer of the Province of Ontario or order at the Bank of            in the city of Toronto, the sum of one hundred dollars of lawful money of Canada, and interest thereon at five per cent. in twenty equal annual instalments of eight dollars each, the first of such instalments to be paid on the            day of            A.D., 187            , pursuant to By-law No.            , intituled "A By-law to raise the sum of            dollars, to aid in the construction of Tile drains.

A. B.,  
Reeve.



C. D.,  
Treasurer.

COUPON

<p>COUPON for twentieth Annual Instalment of Tile Drainage Debenture No. 1, issued under By-law No. of the Township of .</p> <p>\$8 payable at the Bank of in the city of Toronto on day of A.D. 187 .</p> <p>A. B., Reeve.</p> <p>C. D., Treasurer.</p>	<p>COUPON for nineteenth Annual Instalment of Tile Drainage Debenture No. 1, issued under By-law No. of the Township of .</p> <p>\$8 payable at the Bank of in the city of Toronto on day of A.D. 187 .</p> <p>A. B., Reeve.</p> <p>C. D., Treasurer.</p>
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## SCHEDULE "F."

(Section 2.)

*Notice of By-law.*

Take notice that a by-law for raising the sum of \$ for Tile Drainage under the provisions of "The Ontario Tile Drainage Act," will be taken into consideration by the Municipal Council of the township of , on the day of , A.D. 18 , at the hour of o'clock in the noon, at which time and place the members of the council are hereby required to attend for the purpose aforesaid.

E. F.,  
*Clerk.*

## SCHEDULE "G."

(Section 17.)

## BY-LAW IMPOSING A RATE.

*By-law imposing a Special Tile Drainage rate upon Lot in the Concession.*

Whereas H. J., the owner of Lot in the Concession of this Township, applied under the provisions of the "Act respecting the investment of public money in debentures issued for the construction of tile drains in Township Municipalities," for a loan to be made to him for the purpose of tile draining the said land: And whereas the Municipal Council has, upon his said application, loaned the said H. J., the sum of one thousand dollars (*or as the case may be*), to be repaid with interest by means of the rate hereinafter imposed:

Be it therefore enacted, by the said Municipal Council of the said Township, that an annual rate of eighty dollars per annum (*or as the case may require, namely, \$8 per every \$100 loaned*), is hereby imposed upon the said land for a period of twenty years, such rate to be levied and collected at the same time and manner as ordinary taxes are levied and collected.

CHAPTER

## CHAPTER 10.

## An Act to amend the Line Fences Act.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation  
of the words  
"occupied  
lands."

1. In the Line Fences Act, being chapter one hundred and ninety eight of the Revised Statutes of Ontario, the expression "occupied lands," shall not include so much of a lot, parcel or farm as is unenclosed, although a part of such lot, parcel or farm is enclosed and in actual use and occupation.

## CHAPTER 11.

## An Act respecting Bridges in Villages.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Assumption  
by villages of  
bridges under  
control of  
county.

1. The councils of every county and incorporated village may pass by-laws for carrying out any arrangement between them for the assumption by the village municipality of any bridge within its limits under the jurisdiction of the county council, and for such bridge being toll free; and for the payment by the village municipality to the county municipality of any part of the cost of the construction of such bridge; and after the passing of such by-laws the bridge shall be and remain under the exclusive jurisdiction of the village municipality; and the village municipality shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the county municipality; and the bridge shall be and remain toll free.



## CHAPTER 12.

An Act to amend the Revised Statute respecting  
Ditching Water Courses.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following shall be added to and shall form subsection five to section four of the Revised Statute respecting ditching water courses. R. S. c. 199, s. 4 amended.

5. Where the lands are situate in different municipalities, the said fence viewers shall be selected as follows: two from the fence viewers of the municipality in which the land of the other owner or occupant so notified is situate, and the third from the fence viewers of the municipality in which the land of the party giving the notice is situate. In case of a disagreement as provided in subsection four of this section, the county judge may appoint the fence viewers indifferently from either or both municipalities. Selection of fence viewers where land adjoins different municipalities

2. The judge referred to in subsection four of section four, and in section twelve of the Revised Statute; the clerk of the municipality referred to in section eight; and the clerk of the division court referred to in subsection two of section twelve, shall be respectively the judge of the county court of the county, the clerk of the division court of the division, and the clerk of the municipality wherein the land of the owner to be notified lies. Interpretation of the words judge and clerk.

3. Section three of the said Act is hereby amended by adding after the word "adjoining" in the first line, the words "or adjacent." R. S. c. 199, s. 3 amended.

## CHAPTER 13.

## An Act to amend the Assessment Act.

[Assented to 7th March, 1878.]

WHEREAS doubts exist as to the right of appeal from the equalization of assessments under the provisions of the Assessment Act, where County Valuers have been appointed, and it is expedient to remove such doubts;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appeal in cases of equalization of assessment.

1. The right of appeal provided for by section sixty-eight of the Revised Statutes, respecting "The Assessment Act," shall exist whether County Valuers have been appointed or not, and upon any such appeal the report of the County Valuers shall be open to review by the County Judge.

## CHAPTER 14.

An Act to amend the License Act, and for other purposes.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Repayment to brewers, &c., of duties, penalties, &c.

1. A sum not exceeding seven thousand dollars may be set apart out of the Consolidated Revenue of the Province for the re-payment to any brewer or distiller who has paid the duty on a wholesale license or licenses, the amount of such duty and the amount to which any municipality was entitled upon the issue of such license or licenses, under and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered thirty-two and interest thereon, and the amount of any fine or fines or penalties imposed and paid, by reason of the neglect of any brewer or distiller to obtain the wholesale license required by section twenty-six of said Act and interest thereon, and on the several sums to be repaid under section three of this Act; and the Treasurer of the Province may, upon such payment by any brewer or distiller being made to appear to his satisfaction, repay the sum or sums so paid as aforesaid to the person or persons who paid the same, or to his or their executors, administrators or assigns.

Province to be repaid what has been paid to municipalities.

2. Upon the distribution of the license fund thereafter, there shall be paid to the Province, out of the proportion of such license fund payable to any municipality, the amount which such municipality has been paid by any brewer or distiller upon the issue of a wholesale license under said Act, and the amount of any fine or fines received by any municipality and the interest, which may be repaid to such brewers or distillers.

Licenseboards may repay brewers, &c..

3. Where any brewer or distiller, under and by virtue of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered

chaptered twenty-six, has paid into the license fund of any license district, or to the License Inspector the duty on any wholesale license or licenses, or has paid any fine or fines by reason of the neglect of such brewer or distiller to obtain such wholesale license, and such duty and fines shall not have been paid into the Consolidated Fund, such License Board may repay the same to the person or persons who paid the same, or to his or their executors, administrators or assigns, such payment being first approved by the Treasurer of the Province.

4. Nothing herein contained shall be construed as an acquiescence by the Legislature, in the judgment heretofore given by the Supreme Court against the authority of this Legislature, to require brewers and distillers to take out a wholesale license in the terms and for the purposes mentioned in the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered thirty-two, and to pay the duty thereon.

This Act not to be acquiescence in Queen *versus* Severn.

5. Section one hundred and nine of chapter one hundred and eighty-one of the Revised Statutes of Ontario is hereby repealed.

R. S. c. 181, s. 109, repealed.

6. All expenses of carrying such of the provisions of chapters one hundred and eighty-one and one hundred and eighty-two of the Revised Statutes of Ontario as may be in force in municipalities where a by-law prohibiting the sale of intoxicating liquors under the "Temperance Act of 1864," or the "Temperance Act of Ontario" is in force, and this Act into effect, shall, when the license fund is insufficient for that purpose, be borne and paid in the proportion of one-third by the Province out of the Consolidated Revenue Fund, and two-thirds by the county within which any by-law for prohibiting the sale of liquor under the Temperance Act of 1864, or under chapter one hundred and eighty-two of the Revised Statutes of Ontario is in force; and where the by-law is that of a minor municipality, such minor municipality's share of the entire expenses shall be paid in the same proportion by the Province and the minor municipality respectively, as when the by-law is that of a county.

Expenses of provisions of R. S. caps. 181, 182, and of this Act, how to be borne.

(2) The proportion of such expenses payable under this section by a county, or by a minor municipality, or by the Province, shall be by them paid into the bank in which the license fund is kept to the credit of the license fund for the city or county or electoral district, as the case may be, and shall become due and payable within one month after an estimate of the amount of the expenses for the current license year shall be made by the Board of License Commissioners for the city county, or electoral district, as the case may be, and shall be approved by the Provincial Treasurer, which approval shall be final and conclusive; and after a copy or duplicate of such estimate and approval together with a notice in writing by the Board of License Commissioners, requesting payment of the proportion payable by the municipality shall be served upon

Proportion payable by the Province or Municipality, how and when to be paid.



upon the clerk of the county, or minor municipality; and should any estimate prove insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and should any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year.

Payment of  
proportion,  
how enforced

(3) Payment may be enforced against any county, or minor municipality by the Board of License Commissioners in any Court of law or equity of competent jurisdiction in the name and by the title of "The Board of License Commissioners for the city, county, or electoral district of \_\_\_\_\_," (as the case may be); and it shall not be necessary to mention or include the names of the commissioners in the proceedings; and the said action or proceedings may be carried on in the name of such license board as fully and effectually as though such license board were incorporated under the aforesaid name or title. In the event of the death or resignation of any of the commissioners, or of the expiry of their commission and of the re-appointment of the same, or of the appointment of other commissioners, the proceedings, action, or suit at law or in equity, shall not cease, abate or determine, but shall proceed as though no change had been made in the commission or commissioners, and in the event of said license board being condemned in costs, the same may be payable out of the License Fund.

This section  
to apply to all  
expenses under  
39 Vic. c. 26,  
and 40 Vic. c.  
18, and R. S.  
c. 181.

(4) This section shall apply to all expenses heretofore incurred under the Acts passed in the thirty-ninth year of the reign of Her Majesty, chapter twenty-six and in the fortieth year of the reign of Her Majesty, chapter eighteen, or under the said Revised Statute, chapter one hundred and eighty-one, and the same may be recovered by the license board hereunder from the municipality liable by virtue of this Act to pay the same; and any notice requesting payment of its proportion heretofore given to any municipality by any Board of License Commissioners, or by the members thereof shall be as effective as though given under this Act.

The case of a  
county by-law  
and the license  
district em-  
bracing a city  
or town sepa-  
rate where by-  
law not in  
force.

7. When the by-law is a county by-law, and the license district in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein the by-law is not in force, the license fund of such city or town withdrawn from the county for municipal purposes shall be kept as a separate license fund for such city or town; and such city or town shall pay a just share of the expenses of such license district; and the same shall be determined by the Board of License Commissioners; and shall after approval by the Treasurer of the Province be paid out of the license fund for such city or town; and in determining such share of expenses the commissioners shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in said city or town. 8.



8. On an appeal to the county Judge or general sessions from a conviction or order under the "Liquor License Act," or under chapter one hundred and eighty-two of the Revised Statutes of Ontario, when costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as between party and party than the sum of ten dollars, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace shall be lawfully entitled.

Costs on appeal from conviction under R. S. c. 181, or R. S. c. 182.

9. The seventy-sixth section of the said "Liquor License Act" is hereby repealed and the following section substituted therefor :

R. S. c. 181, s. 76, amended as to power of justice to amend informations.

76. At any time before judgment, the justice, justices, or police magistrate may amend or alter any information, and may substitute for the offence charged therein, any other offence against the provisions of this Act; but if it appears that the defendant has been prejudiced by such amendment, the said justice, justices, or police magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

10. The seventy-seventh section of said Act is hereby amended by inserting the words "or is otherwise made to appear" after the word "process," in the eleventh line of said section and by striking out the word "thereby" in the twelfth line of said sub-section.

R. S. c. 181, s. 77 amended.

11. The word "minor municipality," when mentioned herein shall be held to mean any municipality, other than that of a county or union of counties.

"Minor municipality," in interpretation of.

## CHAPTER 15.

An Act to amend the law respecting High Schools.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. There shall be added to the High Schools Act as section thirty-one (a) a section in words following, that is to say ;

R. S. c. 205 amended.

31 (a.) In the case of a union of counties the county council upon the written requisition of a majority of the reeves and

Separating a county from union for high

school purposes.

and deputy reeves of any one county of such union shall constitute such county a separate county for high school purposes ; in which case such county shall contribute only to the support of one or more high schools which may be established therein and in such amount separately from any other county within the jurisdiction of the county council ; and upon the like requisition the county council shall pass the requisite by-law for abolishing existing high school districts within such county, and upon the like requisition shall otherwise deal with all matters relating to the high schools therein.

President at First meeting of School Boards, &c., for election of Chairman.

2. At the first meeting in each year of every Public School Board in cities, towns, villages and townships, and of every High School or Collegiate Institute Board, and of every Board of Education, at which the election of Chairman is appointed to take place, the Secretary of such Board shall preside, or if there be no Secretary, the members present shall select one of themselves to preside at the election of Chairman, and the member so selected to preside may vote as a member.

Equality of votes on the election of Chairman.

3. In case of an equality of votes at the election of Chairman of any such Board, the member who is assessed as a ratepayer for the largest sum on the last revised Assessment Roll, shall have a second or casting vote in addition to his vote as a member.

## CHAPTER 16.

### An Act respecting aid to certain Railways.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited and known as "The Railway Aid Act, 1878."

Aid to certain railways.

2. Subject to the conditions of this Act, aid shall be granted out of the Consolidated Revenue Fund to the undermentioned Railway Companies for the construction of the portions of railway hereinafter mentioned, that is to say :—

Hamilton and North-Western.

(1). The Hamilton and North Western Railway Company from Jarvis to Dover, a distance of about ten miles, at the rate of one hundred and seventy-three dollars and four cents per mile per annum, payable half-yearly, for twenty years.

(2.)

(2.) The Port Stanley, Strathroy and Port Franks Railway, Port Stanley and Port Franks. from Strathroy to the intersection of its line with the Canada Southern Railway, in the Township of Ekfrid, a distance of about ten miles, at the rate of one hundred and seventy-three dollars and four cents per mile per annum, payable half-yearly for twenty years.

(3.) The North Simcoe Railway Company from Penetan- North Simcoe. guishene to its point of junction with the Northern Railway, a distance of about thirty-three miles, at the rate of two hundred and sixteen dollars and thirty cents per mile per annum, payable half-yearly for twenty years.

**3.** The payment in aid of Railways under this Act shall be Mode of pay- computed in manner following, that is to say : ment of grants

(a.) If the portion of the railway for which payment is made has been completed between the first day of January and the first day of July, the payments shall be computed as commencing on the first day of January of the preceding year ;

(b.) And if the portion for which the payment is made has been completed between the first day of July and the thirty-first day of December, the payment shall be computed as commencing on the first day of July of the preceding year.

**4.** All of the said grants of aid are respectively subject to Conditions of the following conditions : grants.

(1.) The Lieutenant-Governor in Council may require any railway company so aided to enter into an agreement or Agreements with other Companies to secure to them running powers over the line aided. agreements with any other railway company or companies, containing such terms and details as the Lieutenant-Governor in Council may approve of, in order to secure running powers or rights of use to such company or companies over the line or portion of line of railway of the company aided under this Act, or former Acts, or in the discretion of the Lieutenant-Governor in Council, for the haulage thereover of the cars and traffic of such other company or companies, upon such terms as, in default of agreement between the respective companies, may be settled upon by the Lieutenant-Governor in Council.

(2.) No payments shall be made to any of the said companies in respect of the said grants of aid for any portion of their Railway, until the Commissioner of Public Works has reported to the Lieutenant-Governor in Council, that such company has completed the portion of its road in respect of which payment is to be made (including such sidings and station-houses as the Commissioner may think necessary for the accommodation of the public) within the period for completing the Railway or portion thereof named in the Acts relating to Payments not to be made till Report of Commissioner of Public Works as to completion of line aided. the

the company, or by this Act, or such other period as may by this or any other Act be fixed for such purpose.

Payments as portions are completed.

(3.) Payments may be made as portions of the Railway, not less than ten continuous miles, are completed as aforesaid; and in cases where the whole distance aided is less than ten miles, then for such distance.

Scrip Certificates.

(4.) After a company has complied with the conditions necessary, and the Commissioner has reported as aforesaid, scrip or certificates may be issued for and in respect of the said grant, which scrip or certificates may be in the form of Schedule "A" to this Act, or to the like effect; and when signed by the Treasurer of this Province and the Accountant in his department, and countersigned by the Auditor, every such certificate shall be valid and binding on the Province, according to its tenor and effect; and it shall not be necessary for any transferee, in good faith, of such certificate to enquire into, or obtain proof of, any facts stated therein, all of which shall be deemed conclusive as against the Province, in favour of such transferee.

Conditions in R. S. c. 166 to apply.

(5.) The conditions contained in section twenty-six of chapter one hundred and sixty-six of "The Revised Statutes of Ontario," shall apply to all Companies receiving aid under this Act.

Information to be given to Commissioner.

(6.) Each of the said Companies shall furnish such information of the progress of the works on the Railway of the Company as may from time to time be required by the Commissioner of Public Works; and also such statistical or other details, accounts and information as from time to time may be required from them by the Commissioner after completion of the railway.

Rails not to be removed without consent of Lieutenant-Governor.

(7.) In order to secure the continuous running of such Railways aided by this Act, the iron or steel rails laid from time to time by any of the said Railways are not to be removed by the Company or by the authority of the Company without the consent of the Lieutenant-Governor in Council, obtained on the recommendation of the Commissioner of Public Works.

Payments may be made as portions of such Railways are completed.

(8.) Payments may be made as portions of such Railways not less than ten continuous miles are completed, and in cases where the whole distance aided is less than ten miles, then for such distance.



## SCHEDULE "A."

## PROVINCE OF ONTARIO, CANADA.

*Railway Subsidy Fund.—Certificate for payment.*

No.

This is to certify that under and by virtue of a certain Order made by the Lieutenant-Governor of the Province of Ontario in Council, and dated the

under the provisions of "The Railway Aid Act, 1878," the Railway Company is entitled to receive from the Province of Ontario, a semi-annual subsidy of \_\_\_\_\_ dollars, payable on the thirtieth day of June, and on the thirty-first day of December, in each and every year, until and inclusive of the thirty-first day of December, one thousand eight hundred and \_\_\_\_\_

, and it is hereby further certified that the Province of Ontario will, upon the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, and upon the delivery of this certificate to the Treasurer of the said Province at Toronto, pay to the said Company or its Assigns, the sum of \_\_\_\_\_ dollars, and \_\_\_\_\_ cents, being the amount of subsidy payable to the said Company upon such day. This certificate and any interest in the sum mentioned therein shall not pass or be transferable except by transfer made by special endorsement hereon.

Issued by the Treasurer of Ontario, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, in accordance with Order in Council dated \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_.

*Treasurer.**Accountant.*

Countersigned by

*Auditor.*

## CHAPTER 17.

## An Act to amend the "Mechanics' Lien Act."

[Assented to 7th March, 1878.]

WHEREAS it is desirable to afford greater protection to the earnings of the working Mechanics, Labourers and suppliers of material, than is now provided by law ;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. c. 120,  
s. 11, amended.

1. Section eleven of the Revised Statutes of Ontario, chapter one hundred and twenty, intituled, "An Act to establish liens in favour of Mechanics, Machinists, and others," is hereby amended as follows:—

Certain payments to be a discharge of the lien.

11. All payments, up to ninety per centum of the price to be paid for the work, machinery or materials, as defined by section three of this Act, made in good faith by the owner to the contractor, or by the contractor to the sub-contractor, or by one sub-contractor to another sub-contractor, before notice in writing by the person claiming the lien has been given to such owner, contractor or sub-contractor (as the case may be), of the claim of such person, shall operate as a discharge *pro tanto* of the lien created by this Act, but this section shall not apply to any payment made for the purpose of defeating or impairing a claim to a lien existing or arising under this Act.

Lien to extent of 10 per cent. when a charge.

2. The said lien shall, in addition to all other rights or remedies given by the said Act, also operate as a charge to the extent of ten per centum of the price to be paid as aforesaid by such owner, up to ten days after the completion of the work in respect of which such lien exists, or of the delivery of the materials, and no longer, unless notice in writing be given as hereinbefore provided.

Mechanics entitled to lien on a chattel for work done may sell the chattel if (after three months) payment is not made.

3. Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, while such lien exists but not afterwards, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all other remedies provided by law, to sell the chattel or thing in respect of which the lien exists, on giving one week's notice by advertisement in a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in such municipality, then in a newspaper published nearest thereto, stating the name of the person indebted, the amount of his indebtedness, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer; and after such sale, such mechanic or other person shall apply the proceeds of such in payment of the amount due to him and the costs of advertising and sale, and shall pay over the surplus (if any) to the person entitled thereto on application being made to him therefor, and leaving a like notice in writing at the last or known place of residence (if any) of the owner, if he be a resident of such municipality.

Application of proceeds of sale.

## CHAPTER 18.

## An Act to amend the law for the protection of Game and Fur-bearing Animals.

[Assented to 7th March, 1878.]

**W**HEREAS it is expedient to amend the law respecting the preservation of game and fur-bearing animals in Ontario;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Chapter two hundred of the Revised Statutes of Ontario, R. S. c. 200 is hereby repealed. repealed

**2.** None of the animals or birds hereinafter mentioned shall be hunted, taken or killed within the periods hereinafter limited: Deer, Elk, Moose, Reindeer, or Cariboo, between the fifteenth day of December and the fifteenth day of September in the following year; (2) Wild Turkeys, Grouse, Pheasants, Prairie Fowl or Partridge, between the first day of February, and the first day of October; (3) Quail, between the first day of January and the first day of October; (4) Woodcock, between the first day of January and the first day of August; (5) Snipe, between the first day of May and the fifteenth day of August; (6) Waterfowl, which are known as Mallard, Grey Duck, Black Duck, Wood or Summer Duck, and all kinds of Duck known as Teal, between the first day of January and the first day of September; (7) Other Ducks, Wild Swans or Geese, between the first day of May and the first day of September; (8) Hares or Rabbits, between the first day of March and the first day of September.

Periods within which certain animals and birds may be killed.

**3.** The said animals or birds may be exposed for sale for one month, and no longer, after the beginning of the periods above respectively limited for their protection, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing or taking shall be upon the person so in possession; (1) Except as aforesaid, no person shall have in his possession any of the said animals or birds, or any part or portion of any of such animals or birds, during the periods in which they are so protected.

Possession during such periods how far lawful.

**4.** No eggs of any of the birds above mentioned shall be taken, destroyed or had in possession by any person at any time.

Protection of eggs.

Trapping forbidden except as to certain animals.

5. None of the said animals or birds, except the animals mentioned in the seventh section of this Act, shall be trapped, or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances, nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them, or any of them at any time; and such traps, nets, snares, gins, baited lines, or contrivances may be destroyed by any person without such person thereby incurring any liability therefor.

Power to destroy traps, &c.

Batteries, &c., for wild fowl forbidden.

6. None of the contrivances which are described as batteries, sunken punts, sunken boats or night lights shall be used at any time for taking or killing the wild fowl known as Swans, Geese or Ducks, nor shall any wild Ducks be killed during the night time, that is to say from dark until daylight.

Fur-bearing animals, close season.

7. No Beaver, Muskrat, Mink, Sable, Martin, Raccoon, Otter, or Fisher shall be hunted, taken or killed, or had in the possession of any person between the first day of May and the first day of November; nor shall any traps, snares, gins or other contrivances be set for them during such period, nor shall any Muskrat house be destroyed at any time, and any such traps, snares, gins, or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor; provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property.

Destruction of traps, &c.

Penalties.

8. Offences against this Act shall be punished upon summary conviction on information or complaint before a Justice of the Peace as follows with costs:

1. In the case of Deer, Elk, Moose, Reindeer or Cariboo, by a fine not exceeding fifty dollars, nor less than ten dollars for each animal.

2. In the case of birds or eggs, by a fine not exceeding twenty-five dollars nor less than five dollars for each bird or egg.

3. In the case of fur-bearing animals mentioned in the seventh section of this Act by a fine not exceeding twenty-five dollars, nor less than five dollars for each animal.

4. In the case of other breaches of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars.

Disposition of penalties.

9. The whole of such fine shall be paid to the prosecutor unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused in which case the said justice may order the disposal of the fine as in ordinary cases.



**10.** In all cases confiscation of game shall follow conviction, and the game so confiscated shall be given to some charitable institution or purpose at the discretion of the convicting justice. Confiscation of game illegally killed.

**11.** In order to encourage persons who have heretofore imported or hereafter import different kinds of game with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill, or destroy any such game without the consent of the owner of the property wherever the same may have been bred. Game imported for breeding not to be killed.

**12.** It shall not be lawful for any person to kill or take any animals or birds mentioned in this Act by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may have access to the same. Poisoning animals.

**13.** No person shall at any time hunt, take, or kill any Deer, Elk, Moose, Reindeer or Cariboo, for the purpose of exporting the same out of Ontario; and in all cases the onus of proving that any said Deer, Elk, Moose, Reindeer or Cariboo so hunted, taken or killed is not intended to be exported as aforesaid, shall be upon the person hunting, killing or taking the same: Hunting Deer, &c., for exportation forbidden.

(1). Offences against this section shall be punished by a fine not exceeding twenty-five dollars nor less than five dollars for each animal. Penalty.

**14.** No owner of any dog trained or accustomed to hunt deer shall permit any such dog to run at large (if such dog is accustomed or is likely to resort to the woods unaccompanied by such owner or any of his family or other person) during the period hereinbefore prohibited for hunting, taking or killing deer; and any such owner permitting any such dog to run at large during the said period shall, on conviction thereof, be liable to the penalty mentioned in sub-section four of section eight of this Act; and any person harbouring any such dog or claiming to be the owner thereof shall be deemed to be the owner thereof for the purposes of this Act. Owners of dogs used to hunt Deer, to restrain them during close season.

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## CHAPTER 19.

An Act respecting the registration of Railway Aid Scrip.

[Assented to 7th March, 1878.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Registry of  
Scrip.

1. The original holder of any scrip or certificate issued under sections ten and eleven, or the fifth sub-section of section twenty-two of chapter one hundred and sixty-six of the Revised Statutes of Ontario, intituled An Act respecting Aid to Railways, or any subsequent transferee of such scrip or certificate, may procure his name to be entered and registered in a book to be kept for that purpose in the office of the Treasurer of the Province of Ontario; and the last registered holder whose name appears upon such book of registration shall be *prima facie* deemed and taken to be the legal owner and possessor of such scrip or certificate.

Last registered  
holder deemed  
owner.

Endorsement  
on scrip of  
ownership.

2. The Provincial Treasurer, or his deputy, may, upon the request of the holder of any such scrip or certificate, who has procured his name to be entered and registered in such book of registration as the owner of such scrip or certificate, cause to be endorsed upon the scrip or certificate referred to in the said registration a certificate that such person is registered in the office of the Provincial Treasurer as the owner of such scrip or certificate, specifying the date of such registration and the folio wherein the same appears of record.

How scrip to  
be transferred  
after certi-  
ficate of owner-  
ship.

3. No such scrip or certificate, after a certificate of ownership signed by the Provincial Treasurer or his deputy has been endorsed thereon, shall be transferable, except by entry and registration of the name of the transferee in the book required to be kept under the first section of this Act, and the endorsement upon the said scrip or certificate, such entry and memorandum of registration, to be signed by the Provincial Treasurer or his deputy.

Registry and  
entry not to be  
made except  
on authority  
of last regis-  
tered owner.

4. No such entry and registration of any transfer of scrip or certificates shall be made in the said book of registry, except upon the written authority of the person last entered in such book as the owner of such scrip or certificate, or of his executors or administrators, or of his or their lawful attorney, which authority shall be duly filed in the office of the Provincial Treasurer.

## CHAPTER 20.

### An Act respecting Union School Sections.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Expenditures  
for school  
houses by

1. In the case of any union school section which, prior to the second day of March, in the year of our Lord one thousand eight

eight hundred and seventy-seven, was not legally formed, but which, under the provisions of the amended School Act, passed in the session of the year one thousand eight hundred and seventy-seven, has been made legal, any expenditure incurred in the erection of a school-house by any of the school sections within such union, under its own authority, shall be reimbursed by the union school section so legalized, and any agreement between the majority of the assessed freeholders and householders in such school section and the trustees of such union, shall be legal and binding; and in case no such agreement can be arrived at, then the amount of such expenditure shall be determined by the award of competent persons, one of whom, not being a member of the municipal council, shall be appointed by each of the respective councils of the municipalities concerned, and such persons with the inspector or inspectors, having jurisdiction in the respective municipalities, or the majority of them, shall determine the amount which such union school section is liable to pay for such expenditure.

**2.** In case the persons so nominated would be an even number, the senior County Court Judge shall be added.

When county judge to act as one of the arbitrators.

**3.** Any amount agreed upon or awarded as aforesaid, may be levied as part of the expenditures of the union school section for the current year, or may be levied proportionably during several years, not exceeding ten, or according to the tenor of any debentures issued for such expenditure, which if still outstanding are to be assumed and paid by the union school section.

How amount awarded to be levied.

**4.** Any school-house for which such expenditure has been incurred, shall become the property of the Union School Corporation, subject to re-imbursement or payment as aforesaid.

School house to be the property of the union school corporation.

**5.** Any ratepayer who has heretofore paid his school taxes in respect of either section, or of the union school section, shall be deemed to be validly discharged from such taxes.

When rate-payers discharged from further payment of taxes.

## CHAPTER 21.

An Act to give finality to Voters' Lists and for other purposes.

[Assented to 7th March, 1878.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**1.** This Act may be cited as "The Voters' Lists Finality Act." Short title.

**2.**



Interpretation

2. In this Act, unless there is something in the context repugnant to such a construction :

" Election ;"  
" To Vote ;"  
" Corrupt Practices ;"  
" Farmers' Son."  
1. The word " Election," the words " To Vote," the words " Corrupt Practices," and the words " Farmers' Son," shall respectively have the meaning given thereto by section two of " The Election Act of Ontario ;"

" Voter."  
2. The word " Voter " shall mean a person entitled to vote, or to be named in the voters' list ;

" List ;"  
" Voters List."  
3. The word " List," and the words " Voters' List," shall respectively mean the alphabetical list referred to in section two of " The Voters' Lists Act," or in section four of the Act passed in the fortieth year of Her Majesty's reign, and chaptered twelve, as the case may be ;

" Scrutiny."  
4. The word " scrutiny " shall mean any scrutiny of the votes polled at an election within the meaning of sections seventy-two and the nine next succeeding sections of " The Controverted Elections Act of Ontario ;" and

" Clerk of the Peace."  
" County Judge."  
5. The words " Clerk of the Peace," shall mean the Clerk of the Peace for, and the words " County Judge," shall mean the Judge of the County Court for the County or Union of Counties within which lies the municipality for or in respect of which the voters' list is made.

Certified  
voters' list  
conclusive.

3. Every voters' list which under this Act, or under sections eleven or twelve of " The Voters' Lists Act," or under sections six or eight of " The Voters' Lists Act of 1876," was during the twelve months next prior to the passing hereof, or is hereafter certified by the County Judge, shall, upon any scrutiny, be final and conclusive evidence of the right of all persons named therein to vote at any election at which such list was or could have been legally used ; except

*But see sec 4.*

Exceptions.

(1) Persons guilty of corrupt practices at or in respect of the election in question on such scrutiny, or since said list was certified by the County Judge as aforesaid ;

(2) Persons who, at any time subsequently to said list being certified by the County Judge as aforesaid, are or have been non-resident either within the municipality to which said list relates, or within the electoral district for which the election is being held, and who by reason thereof are under the provisions of " The Election Act of Ontario " incompetent and disentitled to vote ;

(3) Persons who, being entered on said list in respect of income only, have not paid the municipal tax on such income within



within the time in that behalf required by the sub-sections of section seven of "The Election Act of Ontario;" and

(4) Persons who, under sections four, five and six of "The Election Act of Ontario," are disqualified and incompetent to vote.

4. Notwithstanding anything in this or any other Act contained, any voters' list based upon the assessment roll of any municipality for the year one thousand eight hundred and seventy-seven, shall, at the instance, and upon the complaint of any person entitled either to be entered on said list, or to vote or be a voter in the electoral district in which said municipality is situate, be still subject to be revised and corrected by the County Judge to the extent and in the manner and upon and for all or any of the grounds mentioned in section eight and the sub-sections of section eight of "The Voters' Lists Act;" and with respect to and upon the hearing and determination of any such complaint, none of the provisions of section three of this Act shall apply, nor shall any decision of the County Judge heretofore made, either under "The Voters' Lists Act," or any other Act, in regard to the right of any person to vote, be, for any purpose whatsoever, considered or taken as final or conclusive; Provided always, that no such complaint shall be made or permitted under this section with respect to the right of any person to vote or to be entered on the voters' list, where such right has at any past revision of such list been enquired into and expressly decided by the County Judge.

Voters' list  
based on roll  
of 1877.

omissions  
wrongful insertions  
in writing stating grounds.

seems to conflict with sec 3  
albeit the making of complaint  
at first decision only shall not  
be final.

Proviso.

5. The proceedings upon and with respect to any complaint made under the provisions of the next preceding section of this Act shall be as follows:

Proceedings on  
complaint as  
to list on roll  
of 1877.

(1) The person making the same shall on or before the fifteenth day of May next after the passing of this Act give notice thereof as nearly as may be in the manner and form provided by section nine of the "The Voters' Lists Act;" and the proceedings thereafter by, and the respective powers, duties, rights and liabilities of the clerk or other proper officer of the municipality, the County Judge, and all other persons and parties respectively, and the forms to be used shall, except where otherwise provided by this Act, be as nearly as may be as if said complaint were one duly made under and pursuant to said section nine;

By sec 9 - 1877 - as to the  
the time to be applied for the list  
7 months -  
15th (the clerk must wait once  
is a question of the clerk's  
whether what time? This only  
referring to notifying the public  
of the transmission of the list to the  
judge - a clerk's report  
tells when sent (O the clerk's  
that the clerk's jurisdiction  
the judge must be a clerk  
for how long? answer  
10 days before the sitting at  
least - sec 7. Amended p. 1877  
Clerk must prepare a  
notice "Tells when it is  
for the judge to be made  
and when the complaint is made  
to the clerk at his place of business or at his residence  
if the clerk is not present - if the judge is not present  
then the clerk must give up the list or postpone  
it if not made at the clerk's place of business  
to be delivered to the judge at least 10 days  
before the sitting at least 10 days  
before the sitting at least 10 days

(2) The said clerk, or other proper officer in that behalf, shall within five days after said fifteenth day of May, notify the County Judge of the number and nature of the complaints so made, and thereupon it shall be the duty of the County Judge so to arrange and proceed, and to fix the sittings of the court for the hearing of such complaints, that every such complaint shall be heard and determined, and said list finally revised, corrected

and certified under this Act, before the fifteenth day of July next after the passing hereof ;

3. Said clerk, or other proper officer, shall bring with him from among the records of his office and produce to and at the Court appointed for the hearing of said complaints, the copy of said list and any statement of changes therein heretofore certified by the County Judge, or in lieu thereof shall bring and produce as aforesaid a true copy of the same list and statement or of either of them, as the case may be, certified to be correct by the Clerk of the Peace.

Duty of Judge  
after revision  
of list from  
roll of 1877.

6. Immediately after any list has, under the provisions of the two next preceding sections of this Act, been finally revised and corrected by the County Judge, he shall make, or cause to be made, and shall sign a statement in triplicate, setting forth the changes, if any, which he has made in the list, and shall certify in triplicate a corrected copy of the list, the forms for such statement and certificate to be, as nearly as may be, the same as those referred to in section twelve of "the Voters' Lists' Act."

2. The County Judge shall retain one of such certified copies, and one statement, and shall forthwith deliver or transmit by post, registered, one of such certified copies and one statement to the clerk of the peace, and one of such certified copies and one statement to the clerk of the municipality, to be kept by him among the records of his office ; and

Superseding of  
lists com-  
plained of.

3. Such last mentioned list and copies shall, for all purposes and in all respects, except as to any election the writ for which bears date on a day prior to the transmission or delivery under this section of said copy and statement to said clerk of the peace as aforesaid, supersede and be used, and stand in lieu of the list complained against and sought to be revised and corrected under said two next preceding sections of this Act, and thereafter except in respect of such an election as in this section mentioned, said list so complained against shall be null and void.

Provisions as  
to lists deliver-  
ed before or  
after date of  
writ for  
election.

7. Any list hereafter corrected and certified by the Judge under sections four, five and six of this Act, and actually transmitted or delivered to the clerk of the peace under this Act on or before the day of the date of the writ for an election, shall, for all purposes, and within the meaning of "The Election Act of Ontario" be considered and taken as having been delivered or transmitted to the said clerk of the peace, under "The Voters' List Act," at least one month before the date of the writ for such election ; but in respect of any election the writ for which bears date on a day prior to such actual transmission or delivery the proper list to be used shall be the one which, if this Act had not been passed, could have been legally used thereat.

8. It shall hereafter be the duty of the County Judge so to arrange and proceed and so to fix the sittings of the Court for the hearing of complaints against or in respect of any Voters' List, that such complaints shall be heard and determined, and said list finally revised, corrected and certified under "the Voters' Lists Act," within two months of the last day for making such complaints: Provided always, that nothing in this section contained, shall apply to any Voters' List specially provided for by the provisions of sections four, five and six of this Act.

Judge to revise and certify within two months of last day for complaint.

Proviso.

9. To remove doubts it is hereby declared that any Farmer's Son entitled as such to be assessed or to have his name entered in the Assessment Roll of any Municipality, shall be so assessed and shall have his name so entered without any request in that behalf, unless he informs or notifies the assessor to the contrary; and any person entitled to be entered in such Assessment Roll or in the Voters' List based thereon, or to vote or to be a voter in the Electoral District in which said municipality is situate, shall, in order to have the name of such Farmer's Son entered and inserted in such Assessment Roll, or List of Voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any Court or to any Judge in that behalf, as such Farmer's Son would or can have personally, unless it is made to appear to the Court or Judge that such Farmer's Son actually dissents therefrom; and the Act passed in the fortieth year of the reign of Her Majesty, chaptered nine, and intituled "An Act to give the right of Voting to Farmers' Sons in certain cases," shall be read and construed as if this section had been included therein at the time of the passing thereof.

Assessment and entry on roll of farmer's son.

10. Any voter, and any person entitled to be a voter, and any agent of such voter or person, shall have liberty at all reasonable times and under reasonable restrictions, to inspect and take copies of, or extracts from assessment rolls, notices, complaints, applications, and other papers and proceedings necessary or of use for the carrying out of the provisions of "The Assessment Act," "The Voters' List Act," and this Act; and the Clerk of the Municipality is to afford for the said purposes all reasonable facilities which may be consistent with the safety of the said documents, and the equal rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the directions and summary jurisdiction of the County Judge.

Inspection and copies of documents.

Duty of Clerk.

11. In order to facilitate uniformity of decision without the delay or expense of appeals.

(1) Any County Judge may state a case on any general question arising or likely to arise, or expected to arise under "the Voters' List Act" or this Act, and may transmit the same to the Lieutenant-Governor in Council, who thereupon shall immediately

County Judge may obtain opinion from Court of Appeal or Judge thereof.



immediately refer the said case to the Court of Appeal or a Judge thereof for the opinion of such Court or Judge thereupon ; or

Lieut.-Gov- (2) The Lieutenant-Governor in Council may refer a case  
ernor may ob- on any such general question to said Court of Appeal, or a  
tain opinion. Judge thereof, for a like opinion.

Duty of Court (3) Immediately upon the receipt of such case it shall be  
or Judge. the duty of such Court or Judge to appoint a time and place  
for hearing arguments (if any be offered) upon the points and  
matter involved in such case, of which time and place written  
notice shall be given by the Clerk of said Court posting up a  
copy of such notice in the office of each one of the Superior  
Courts at Osgoode Hall, in Toronto, at least ten clear days be-  
fore the time appointed as aforesaid.

Argument. (4) At the time and place fixed therefor as aforesaid, such  
Court or Judge shall hear argument upon the case by such and  
so many of the counsel present (if any) as such Court or Judge  
may deem reasonable, and shall thereupon consider the said  
case and certify to the Lieutenant-Governor in Council the  
opinion of the Court or Judge thereon ; and such opinion shall  
Opinion, pub- thereupon be forthwith published in the *Ontario Gazette*, and  
lishing same. a copy thereof sent to the Judge of each County Court.

Discretionary (5) The said Court of Appeal or a Judge thereof, may also  
opinion by give an opinion on any such question at the instance of any  
Court or voter or voters or person or persons entitled to be voters, if  
Judge to vote. said Court or Judge sees fit ; and the proceedings with respect  
Proceedings. thereto shall be, as nearly as may be, the same as upon a case  
referred as aforesaid, but, in addition, such Court or Judge may  
require a deposit of money to cover the costs of hearing the  
question argued by Counsel, and may require such notice of  
the proceedings or any of them to be given to such person or  
persons as the Court or Judge may direct.

Clerk to give (12. The Clerk of the Peace or the Clerk of the Municipality  
copies of list to who has the custody of a Voters' List, shall furnish copies  
returning thereof to the returning officer in four days after a written  
officer. application thereof has been delivered to him personally or left  
for him at his proper office.

Production (13. In case of a recount of votes or ballot papers under sec-  
and custody tion one hundred and seventeen and the five next succeeding  
of ballot papers sections of "The Election Act of Ontario," the returning officer  
on a recount. shall, on a written notice from the Judge, produce the ballot  
papers at the time and place appointed for the recount, and the  
same shall continue in the custody of the returning officer ;  
and he shall continue to be responsible therefor, subject to any  
directions which the Judge may give in respect of the said  
ballot papers.



**14.** Any person who wilfully and improperly inserts or procures or causes the insertion of any name in the assessment roll, or assesses or procures or causes the assessment of any person at too high an amount, with intent in either or any such case to give to any person not entitled thereto, an apparent right to vote at any election; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of any name from the assessment roll, or assesses or procures or causes the assessment of any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine or imprisonment, in the discretion of the court.

Fraudulent  
insertion or  
omission, &c.,  
on, or dealing  
with the roll  
Penalty.

**15.** Where it is provided by any by-law or contract under which the clerk of any municipality is appointed or employed, that the sum to be paid him by way of salary as such clerk is intended expressly or impliedly to include payment for any duties which as such clerk and under "The Voters' Lists' Act" are to be performed by him upon and after the lodging with him of any complaint or appeal under said Act, then such clerk shall not in respect of such duties be entitled to or be allowed by the County Judge, nor shall there be taxed to him any fee, payment, cost or charge whatsoever; but when it is not intended by such by-law or contract to provide for compensation for the performance of such last-mentioned duties, then such clerk shall be entitled in respect thereof to the following but to no other fee or compensation, that is to say:

Fees to clerk  
on a complaint  
or appeal.

1. To the sum of three dollars for each day's attendance on the sittings of the court for the revision of the voters' lists; and

2. To the actual and reasonable disbursements necessarily incurred by him in serving the notices of complaint or appeal when served by himself.

**16.** The person acting as constable at the sittings of the court for the revision of any voters' lists shall as such constable be entitled to the following but no other fees or compensation; that is to say:

Constables'  
fees.

1. The sum of one dollar and fifty cents for each days' attendance as such constable;

2. For the service of any process or notice including the service, the receipt and the return thereof and all other services connected therewith when allowed by the Judge, a sum not exceeding

exceeding ten cents per mile one way for each mile actually and necessarily travelled to effect such service.

By whom and  
on what the  
clerk and  
constable shall  
be paid.

17. The compensation fixed by the two preceding sections shall be paid to the said clerk and constable respectively by the municipality the list for which is the subject of investigation; and the amount of such compensation as certified by the Judge shall be so paid by the Treasurer of the said Municipality upon the production and deposit with him of the Judge's certificate.

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## CHAPTER 22.

An Act to amend the Revised Statutes for the Protection of Insectivorous and other Birds beneficial to Agriculture.

[Assented to 7th March, 1878]

Preamble.

WHEREAS it is expedient to amend the law providing for the protection of insectivorous and other birds referred to in the Act for the protection in Ontario of insectivorous and other birds beneficial to agriculture;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 201,  
s. 2.

1. From and after the passing of this Act, chapter two hundred and one of the Revised Statutes of Ontario, is amended as follows:—After the word “ravens” in the fourth line of the second section of the said Act the words “plover, and black birds” shall be inserted, and after the last word in said section shall be added, “provided that rails may be shot between the first day of September and the first day of January.”

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## CHAPTER 23.

An Act to preserve the Forests from destruction by Fire

[Assented to 7th March, 1878.]

Preamble.

WHEREAS large quantities of valuable timber are annually destroyed by fires which are in many instances the result of negligence and carelessness, it is therefore necessary to provide stringent regulations for the prevention of such fires.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor, may, by proclamation to be made by him from time to time, issued by and with the advice and consent of the Executive Council, declare any portion or part of the Province of Ontario to be a fire district. Lt.-Governor may proclaim a fire district.

2. Every proclamation under this Act shall be published in the *Ontario Gazette*; and such portion or part of the Province as is mentioned and declared to be a fire district in and by the said proclamation, shall, from and after the said publication, become a fire district within the meaning and for the purposes of this Act. Publication of fire district.

3. Every such portion or part of the Province mentioned in such proclamation, shall cease to be a fire district upon the revocation by the Lieutenant-Governor in Council of the proclamation by which it was created. Revocation.

4. It shall not be lawful for any person to set out, or cause to be set out or started, any fire in or near the woods within any fire district, between the first day of April and the first day of November in any year, except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; and in cases of starting fires for any of the above purposes, the obligations and precautions imposed by the following sections shall be observed. Fires not to be started except for certain purposes and in certain periods.

5. Every person who shall between the first day of April and the first day of November, make or start a fire within such fire district for the purpose of clearing land, shall exercise and observe every reasonable care and precaution in the making and starting of such fire, and in the managing of and caring for the same after it has been made and started, in order to prevent such fire from spreading and burning up the timber and forests surrounding the place where it has been so made and started. Precautions to be taken in case of clearing land.

6. Every person who shall, between the first day of April and the first day of November make or start within such fire district a fire in the forest, or at a distance of less than half-a-mile therefrom, or upon any Island for cooking, obtaining warmth, or for any industrial purpose, shall— Precautions in case of cooking, &c.

1. Select a locality in the neighbourhood in which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees;

2. Clear the place in which he is about to light the fire by removing all vegetable matter, dead trees, branches, brushwood, and dry leaves from the soil within a radius of ten feet from the fire;



3. Exercise and observe every reasonable care and precaution to prevent such fire from spreading, and carefully extinguish the same before quitting the place.

Precautions in cases of matches, burning substances, &c.

7. Any person who shall throw or drop any burning match, ashes of a pipe, lighted cigar or any other burning substance, or who shall discharge any fire-arm within such fire district shall be subject to the pains and penalties imposed by this Act, if he neglect completely to extinguish before leaving the spot the fire of such match, ashes of a pipe, cigar, wadding of the fire-arm or other burning substance.

Act to be read to employees by heads of surveys, lumberers, &c.

8. Every person in charge of any drive of timber, survey or exploring party, or of any other party requiring camp-fires for cooking or other purposes within such fire district, shall provide himself with a copy of this Act, and shall call his men together and cause said Act to be read in their hearing, and explained to them at least once in each week during the continuance of such work or service.

Precautions as to locomotives.

9. All locomotive engines used on any railway which passes through any such fire district or any part of it, shall, by the company using the same, be provided with and have in use all the most approved and efficient means used to prevent the escape of fire from the furnace or ash-pan of such engines, and that the smoke-stack of each locomotive engine so used shall be provided with a bonnet or screen of iron or steel wire netting, the size of the wire used in making the netting to be not less than number nineteen of the Birmingham wire gauge, or three sixty-fourth parts of an inch in diameter, and shall contain in each inch square at least eleven wires each way at right angles to each other, that is in all twenty-two wires to the inch square.

Duty of engine drivers.

10. It shall be the duty of every engine driver in charge of a locomotive engine passing over any such railway within the limits of any such fire district, to see that all such appliances as are above-mentioned are properly used and applied, so as to prevent the unnecessary escape of fire from any such engine as far as it is reasonably possible to do so.

Penalty for non-compliance with this Act.

11. Whosoever unlawfully neglects or refuses to comply with the requirements of this Act in any manner whatsoever, shall be liable upon a conviction before any justice of the peace to a penalty not exceeding fifty dollars over and above the costs of prosecution, and in default of payment of such fine and costs, the offender shall be imprisoned in the common gaol for a period not exceeding three calendar months; and any railway company permitting any locomotive engine to be run in violation of the provisions of the ninth section of this Act shall be liable to a penalty of one hundred dollars for each offence, to be



be recovered with costs in any court of competent jurisdiction.

**12.** Every suit for any contravention of this Act shall be commenced within three calendar months immediately following such contravention. Time for bringing action.

**13.** All fines and penalties imposed and collected under this Act shall be paid one-half to the complainant or prosecutor and the other half to Her Majesty for the public use of the Province. Disposal of fines.

**14.** It shall be the special duty of every Crown Land agent, woods and forest agent, Free Grant agent, and bush ranger, to enforce the provisions and requirements of this Act, and in all cases coming within the knowledge of any such agent or bush ranger to prosecute every person guilty of a breach of any of the provisions and requirements of the same. Government agents to enforce this Act.

**15.** Nothing in this Act contained shall be held to limit or interfere with the right of any party to bring and maintain a civil action for damages occasioned by fire, and such right shall remain and exist as though this Act had not been passed. Act not to interfere with right of action for damages occasioned by fire.

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## CHAPTER 24.

An Act to provide for employing persons without the walls of Common Gaols.

[Assented to 7th March, 1878.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Lieutenant-Governor in Council may, from time to time, direct or authorize the employment upon any specific work or duty, beyond the limits of any common gaol, of any prisoner who, after a prior sentence of imprisonment for any breach of any law of Canada or of any Province of Canada, is sentenced to be imprisoned with hard labour in such gaol under the authority of any statute of Ontario, or for the breach of the by-law of any municipal corporation in this Province. Lieutenant Governor may authorize employment of prisoners outside gaols.

**2.** Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol so far as applicable, and to any regulations made by the Lieutenant-Governor in Council under the first section of the Act of Canada, passed in the fortieth year of Her Majesty's reign, chaptered Discipline of gaol to be observed during employ.

chaptered thirty-six, for preventing escapes and preserving discipline.

Supervision.

3. No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty.

Place of work  
isto be deemed  
part of gaol.

4. Every street, highway or public thoroughfare of any kind along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be considered as a portion of the gaol for the purposes of this Act so far as the legislative authority of this Province extends in this behalf.

Application of  
earnings of  
prisoners.

5. An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively towards the care and maintenance of the said prisoners; the division shall be made by such officer, or other person or persons, and at such times as the Lieutenant-Governor in Council shall direct.

Application of  
earnings be-  
tween county  
and city or  
town.

6. In the case of a county in which a city or separated town is situate, the share of such earnings which the said city or town shall be entitled to receive from the county shall, in case the councils are unable to agree with respect thereto, be determined annually by arbitration, according to the provisions of the Municipal Act.

## CHAPTER 25.

An Act to extend the Religious Institutions Act to the Church of England in Ontario.

[Assented to 7th March, 1878.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

The provisions  
of chapter 216  
of the Revised  
Statutes ex-  
tended to the  
Church of  
England.

1. All the rights, powers, and privileges, conferred upon any religious society or congregation of Christians by the Revised Statute respecting the property of religious institutions, are hereby declared to extend and apply to The Church of England in this Province, formerly or otherwise called The United Church of England and Ireland in Canada, or The United Church of England and Ireland in Upper Canada, or The Church of England in Upper Canada.

2. Provided always, that land shall not be sold, mortgaged, leased, or otherwise encumbered, under the powers conferred by the said Act, as extended or declared by this Act, except with the consent of the vestry of the church or congregation interested therein, and of the Bishop of the Diocese, and the Executive Committee of the Synod of the Diocese; and it is hereby declared, that the consent or assent of the vestry, given in accordance with the rules and canons of the said Church, shall be deemed to be the consent or assent of the congregation within the meaning of the said Act, and the execution of the deed by the Bishop, and by the Secretary or Secretaries of the Synod, or a memorandum of consent endorsed thereon and signed by them, shall, in favour of the grantee and his assigns, be conclusive evidence of the consent or assent of the Bishop and Executive Committee.

How land may be sold or encumbered, consent requisite.

## CHAPTER 26.

### An Act respecting Water-works at Brampton.

[Assented to 7th March, 1878.]

**W**HEREAS the construction of water-works and a supply of water for the Town of Brampton would promote the comfort of its inhabitants, and afford means for the protection of property from fire; and whereas the corporation of the said town have, by petition, asked to be authorized to construct, possess, and control certain waterworks for the said town; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the Town of Brampton, by and through the agency of commissioners and their successors, to be elected or appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct water-works, and all buildings, materials, machinery, and appliances connected therewith or required therefor, in the Town of Brampton and parts adjacent, as hereinafter provided.

2. The commissioners and their successors shall be a body corporate, under the name of "The Water Commissioners for the Town of Brampton," and shall be composed of three members; and the said commissioners shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Incorporation. Commissioners.

Powers.



Duties of  
Commission-  
ers.

3. It shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to supplying the said town with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Powers of  
Commission-  
ers.

4. The commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or purchase such lands, buildings, waters, and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Power to ac-  
quire lands,  
&c.

5. It shall and may be lawful for the said commissioners, their agents, servants, and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Brampton, or within six miles of the said town, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water-works; and also to divert and appropriate any river, lake, pond, spring or stream of water therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriations shall cause to them, or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of Peel shall, on application by either party, appoint such third arbitrator: in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, or in case such land or water privileges may be mortgaged or pledged to any person or persons, the Judge of the County Court of the County of Peel, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed, as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be and they are hereby required to attend at some convenient

Arbitration.



venient place at or in the vicinity of the said town, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace in and for the said County of Peel, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace before whom the said arbitrators or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect; Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award, or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned subject as aforesaid.

6. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners, for the purposes thereof as aforesaid, shall thereupon and for ever thereafter be vested in the Corporation of the Town of Brampton and their successors; and it shall and may be lawful for the said commissioners and their successors to construct, erect, and maintain in and upon the said lands all such reservoirs, water-works, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works, and the springs, streams, rivers, lakes, or ponds, or water from which the same are procured, and the said Town of Brampton, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purpose aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the highways, railways and roads within six miles of the Town of Brampton, and in, through, over and under the public ways, streets, lanes, railways or other passages within the said Town of Brampton, and in, upon, through, over and under the lands, grounds, and premises of any person or persons, bodies corporate or politic, or any lands of the Crown, and to set out, ascertain, use, and occupy such part or parts thereof as they, the said

Lands to be  
vested in Cor-  
poration.

Powers.

said commissioners or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the said town, or for the uses of the corporation of the said town, or of the proprietors or occupiers of the lands through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid; and all such water-works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Corporation of the said Town of Brampton.

Injury to  
works, &c.

§ If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners or their managers, contractors, servants, agents, workmen or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes, and the other half to him or her who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the County of Peel for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law at the suit of the commissioners, to make good any damage done by him, her or them.

Penalty.

8. The said commissioners shall be, and they are hereby required to keep or cause to be kept regular books of account, and books for recording the whole of their official proceedings; and the commissioners, and the clerks employed in their service, shall be sworn before a justice of the peace to the faithful performance of their duties; and all such books shall be open to the examination of any member of the council of the said town, or of any person or persons appointed for that purpose by the corporation of the said town; and shall annually, on or before the thirty-first day of December in each and every year, make a report to the corporation of the said town of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Books and  
accounts.

Reports.

9. The commissioners and their successors shall from time to time in each year, deliver to the council of said corporation such other statement of the affairs of the said water-works as the said corporation may consider necessary, and which will afford to the citizens of Brampton a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the corporation of the said town; and all the accounts relating to the said water-works may be audited by the auditors of the said corporation in regular course.

Statement  
of affairs.

Audits.

10. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required; and from time to time, shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used; all which they may change at their discretion: Provided always, that all hydrants, conduits or other appliances which the Corporation of the Town of Brampton may require under this Act for the purpose of extinguishment of fires shall be placed as the corporation of the said town shall direct, and shall be under their exclusive control and direction when erected.

Regulations  
for the use of  
water.

Proviso as to  
hydrants, &c.,  
for fires.

11. The said commissioners may regulate the use and distribution of the water from such water-works and may contract with any person or persons for the supply to them of water from the said water-works at a rate to be fixed by by-law of the corporation of the said town; and in case any person supplied with water from the said water-works neglects to pay the rent, rate or charge due therefor at any of the times fixed for the payment thereof the said commissioners on giving forty-eight hours' previous notice may stop the supply of water from entering the premises of the person or persons in arrears as aforesaid by cutting off the service pipe or pipes or by such other means as the said commissioners shall see fit, and may recover the rent or charge due up to such time together with the expense of cutting off such water in any court of competent jurisdiction, notwithstanding any contract to furnish for a longer time.

Water-rate.

Enforcing  
payment.



Payment of  
rates to  
Treasurer.

**12.** All water rates and water rents when collected, less disbursements by the commissioners, shall be paid over monthly by the said commissioners to the Treasurer of the Town of Brampton.

Commis-  
sioners may  
sue or be  
sued.

**13.** The commissioners may prosecute or defend any action or process at law or in equity by the name of "The Water Commissioners of the Town of Brampton" against any person or persons for money due for the use of the water, for the breach of any contract express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them and also for any injury, trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Appointment  
of Collectors  
and others.

**14.** The commissioners by by-law shall have power with the consent of the corporation of the said town to employ the town collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners at the pleasure of the commissioners or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require; and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the collectors of the said town may by law possess and enjoy.

Protection of  
Officers.

**15.** The commissioners and their officers shall have the like protection in the exercise of their respective offices, and the execution of their duties, as justices of the peace now have under the laws of this Province.

Using water  
without con-  
sent.

**16.** If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works purposes the sum of fifty dollars, and also a further sum of five dollars for each day or part of a day, or night or part of a night, during which such pipe or main shall so remain; which said sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Fouling water

**17.** If any person shall bathe, or wash, or cleanse any cloth, leather, skin, or animals, or place any nuisance or offensive thing within the distance of three hundred yards from the source of supply



supply for such water works, in any river, lake, pond, creek, spring, source or fountain from which the water of the said water-works is obtained, or shall convey, or cast, or throw, or put any filth, dirt, dead carcasses, or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall, on conviction thereof before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for water-works purposes, and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes, and such justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet.

Penalty.

18. It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars, for water-works purposes, or imprisonment not exceeding one calendar month, the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment with or without hard labour being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof, any person being occupant, tenant or inmate of any house supplied with water from the said water-works, from lending, selling, or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement of parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

By-laws to prohibit frauds, &c.

19. In all cases where a vacant space intervenes between the outer line of street and the wall of the building into which the

Vacant spaces:

the

the water is to be taken, the water works commission may with the consent of the owner lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the engineer of the said commission.

Expense of  
laying service  
pipes by whom  
to be borne.

(2.) The expense incidental to the laying of such service pipes, if laid by the commission or of superintending the laying of the same if laid by any other person, shall be payable on demand to the said commission, or if not so paid, may be collected forthwith in the same manner as water rates: Provided that in any one case the said expense of superintending the laying of such service, if laid by any other person as aforesaid, shall not exceed one dollar.

Service-pipes,  
branches, &c.

**20.** The service-pipe from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the commissioners, shall be under their control; and if any damage be done to this portion of the service-pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or owner of the premises; the stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of the premises.

Taps.

**21.** All parties supplied with water by the commissioners may be required to place only such taps for the drawing and shutting-off the water as may be approved of by the commissioners.

Non-liability  
to damages.

**22.** Neither the water commissioners nor the Corporation of the Town of Brampton shall be liable for damages caused by the breaking of any service-pipe or attachment, or for any shutting-off of the water to repair mains or to tap the pipes, provided that reasonable notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Power to in-  
spect build-  
ings.

**23.** It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Penalty for  
injury to  
hydrants, &c.

**24.** If any person or persons not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorized in that behalf, shall

shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock chamber, or hydrant chamber by placing on it any building material, rubbish, or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace forfeit and pay for each offence a sum not exceeding twenty dollars to be applied to the use of the commissioners for water-works purposes, or in default of payment be imprisoned in the common gaol of the county for a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day or part of a day, night or part of a night during which said obstruction shall continue shall be considered a separate offence.

**25.** A majority of said commissioners shall constitute a Quorum. quorum for the transaction by them of any business allowed or required by virtue of this Act.

**26.** The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs or partially built portions of the town by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties under the directions of the commissioners, and subject to their approval, or the commissioners may lay the pipes, charging the said parties, in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates. Extension of pipes to suburbs.

**27.** The water commissioners shall have power and authority to supply any corporation, person or persons with water although not being resident within the Town of Brampton; and may exercise all other powers necessary to the carrying out of their agreements with such corporation or persons, as well within the Township of Chinguacousy as within the Town of Brampton; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided, that no power shall be exercised under this clause without the consent and approbation of the Corporation of the said Town of Brampton. Supply to non-residents, manufactories, &c.

**28.** The land, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining or belonging to the water-works shall be exempt from taxation. Exemption from taxation.

**29.** If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising. Limitation of actions.



Officers to be  
*Ex officio* officers of the  
peace.

**30.** The watchman and other officers of the water commissioners, when in the discharge of their duty, shall be *ex officio* possessed of all the powers and authorities of officers of the peace.

Money for  
works may be  
raised by loan  
or rate.

**31.** The whole sum expended and to be expended by the commissioners in making and completing the said works and the payment of such damages as aforesaid shall be raised by the said corporation by rate or loan at such times and in such proportions as the said corporation shall deem best; but subject otherwise to the provisions of the law touching the raising of moneys by municipalities by rate or loan as the case may be.

By-law to be  
submitted to  
the electors.

**32.** Provided always that every by-law for the raising of such sum by rate or loan before its final passage shall be submitted to the electors of the said town, and their assent thereto had and obtained in manner and pursuant to the provisions contained in any Act respecting Municipal Institutions which now is or hereafter may be in force, and any elector may vote in each ward of the town in which he shall have the necessary qualification.

Application of  
revenue.

**33.** After the construction of the works all the revenues arising from or out of the supplying of water or from the real or personal property connected with the said water-works to be acquired by the said corporation under this Act shall, after providing for the expenses attendant upon the maintenance of the said water-works be paid over to, and deposited monthly with the treasurer of the said corporation as hereinbefore provided and shall form part of the general funds of the corporation and may be applied accordingly.

Disposal of  
property.

**34.** The Corporation of the Town of Brampton may dispose of any real or personal property acquired by them for water-works purposes, when no longer required, and until sold, demise and lease the same.

Number of  
Commission-  
ers and their  
appointments.

**35.** There shall be three commissioners, either to be nominated and appointed by the council of the said town, or if said council shall by by-law so determine, to be elected by such of the rate-payers of the said town, as are qualified by municipal law to vote for councilmen of the said town, in manner and for the term hereinafter mentioned and provided, but none of such commissioners shall be members of the said council.

Term of office.

**36.** The said water commissioners shall hold office for one year, except the commissioners first appointed or elected as aforesaid, who shall hold office until the first Monday in January next following their appointment or election as the case may be; and after the first appointment or election the commissioners



missioners (if elected) shall be elected to the said office at the same time and in the same manner as councilmen of the said town; and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to councilmen shall apply in all particulars not inconsistent with this Act to the said commissioners as to election, unseating, and filling vacancies.

**37.** Whenever the by-law authorizing the raising of money for the said works shall have been finally passed, and if said council shall so determine as aforesaid, that said commissioners are to be elected as aforesaid, then a meeting of the electors of the said town shall take place for the nomination of three persons for the office of water commissioners at such place as the said council, by by-law, may appoint, and the proceedings at such meeting shall be similar as in the case of the nomination for councilmen; but if it become necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than six clear days, when a poll shall be opened in each ward of the said town at the place or near thereto where the then last municipal election was held; and in all particulars the election shall be conducted in the same manner as an election for councilmen of the said town.

Election of commissioners.

**38.** A water commissioner may resign his office, and shall cease to hold office for the same causes as by municipal law the seat of a councilman becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the Council of the Corporation of Brampton shall appoint a person to fill the vacancy, and the person so appointed shall hold office for the residue of the term for which his predecessor was elected or appointed or for which the office is to be filled.

Vacancies.

**39.** No commissioner or councilman of the said town shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them, and no commissioner shall be eligible for election as councilman, and no councilman as water commissioner.

Commissioners or councilmen not to be interested in works.

**40.** The water commissioners shall have the same property qualification as, by municipal law, councilmen are required to have over and above all incumbrances; and shall before taking office and within ten days of their election or appointment make oath to such qualification before some justice of the peace of the Town of Brampton or County of Peel, and deposit the same with the Town Clerk of the Corporation of the Town of Brampton.

Qualification.

**41.** Notwithstanding the provisions of this Act authorizing the construction of the said water-works through the agency of commissioners,

Corporation may construct works without

appointment  
of commis-  
sioners.

commissioners, the Corporation of the Town of Brampton may, by by-law, declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof, that the said water-works shall be constructed directly by the said Corporation of the Town of Brampton: and in case the said corporation shall so desire to construct the said water-works, then all the powers, rights, authorities, duties and liabilities by this Act given to, granted or vested in the said commissioners shall be vested in the said corporation, and the said corporation shall be vested with and have all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act.

Construction  
by nominee of  
corporation.

**42.** In case the Corporation of the Town of Brampton shall not see fit to construct the said water-works by or through the agency of commissioners or directly by the said corporation, the said corporation may, by by-law referred to in the thirty-fifth section of this Act, declare it is advisable to have the said water-works constructed either by a corporate water company, or by any other person or persons.

Manner of  
construction  
to be submit-  
ted to the  
ratepayers.

**43.** In case the Corporation of the Town of Brampton shall desire to construct the said water-works, by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters, voting upon any by-law to be submitted for that purpose, and the question or questions respecting the adoption of either of such modes, may be submitted by the council of the said corporation, for the approval of the qualified voters in the proposed by-law, mentioned in the the thirty-fifth section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately.

Corporation  
may assume  
works.

**44.** The corporation of the town may, in case the construction of the work be intrusted to commissioners as hereinbefore provided, at any time assume the work, remove the commissioners and proceed with the working as if the corporation had originally undertaken the said works, but such assumption must be by by-law of the said corporation: Provided always, that all the provisions of the Municipal Act, as to by-laws for raising on the credit of the municipality money, not required for its ordinary expenditure and not payable within the same municipal year, shall apply to the said by-law, such provisions being those which require and relate to assent of electors and otherwise.

## CHAPTER 27.

## The London Water-works amendment Act of 1878.

[Assented to 7th March, 1878.]

WHEREAS the Municipal Council of the Corporation of the City of London have, by their petition, represented that certain amendments should be made to the Act of the Legislature of Ontario, passed in the thirty-eighth year of Her Majesty's reign, intituled "An Act for the Construction of Water-works for the City of London," and that a certain by-law passed under the provisions of the said Act for the purpose of authorizing the construction of the said water-works should be declared valid and binding, and have prayed for the passing of an Act to that end; and whereas it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section twelve of the said Act is hereby repealed and the following substituted therefor; 38 Vic. c. 102,  
sec. 12, re-  
pealed.

12. The commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings. Commission-  
ers may fix  
rent for use  
of water.

12a. The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot, for the water supplied to him there, or for the use thereof, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable. Water rate,  
how levied,  
and a charge  
on land.

2. The by-law passed by the said municipal council on the twenty-sixth day of December, 1877; intituled "A By-law to provide for the construction of Water-works for the City of London," is hereby declared to have been duly and legally passed, and to be valid and binding on the said municipal council, and the Corporation, and the inhabitants, and rate-payers of the said City of London, and to be a sufficient compliance with the provisions of the said Act, so as to give effect to the same, and to authorize the construction of the said water-works, and the issue of the debentures thereby authorized to be issued to the amount named in the said by-law, as the amount of the debt intended to be created by the construction of the said Water-works. By-law of  
Dec., 1877, de-  
clared valid.



Rate and sinking fund.

3. It shall not be necessary that any by-law passed under the authority of the thirty third section of the said Act shall provide that any special or other rate per annum shall be settled, imposed or levied in each or any year to pay the principal or interest of the debentures thereby authorized to be issued, and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor before contracting the said debt or before or after the passing of the said by-law, but it shall be the duty of the Corporation of the City of London and the council, thereof, in each and every year after the completion of the said water-works, or after the expiration of three years from the date of the first issue of such debentures which ever shall first happen, to impose, levy and collect a rate sufficient to pay the interest upon and to provide a sinking fund of two per cent. per annum for the payment of the said debentures.

By-law may be in form of Schedule A.

4. The by-law for the issue of debentures under the authority of the said Act may be in the form contained in the Schedule "A" to this Act.

Transfer of Water Works from the Commissioners to the Council.

5. The said municipal council may at any time by by-law declare that the powers, rights, privileges and duties of the commissioners, shall on and from a day to be named therein cease, be determined and come to an end, and the powers, rights, privileges and duties of the commissioners shall from the day so named for that purpose as aforesaid, cease, be determined and come to an end, and thereafter the said Water-works shall be managed and controlled by the said municipal council; and the said municipal council shall be invested with all the powers, rights and privileges which are by the said Act or by this Act conferred upon, vested in, or enjoyed by the said commissioners and be charged with all the duties which are thereby imposed upon them: Provided always that such by-law shall not come into operation or take effect, unless or until the assent of the like ratepayers of the said City of London as were entitled to vote on the by-law to authorize the construction of the said Water-works, shall have first been obtained thereto in the manner prescribed by the Municipal Act with respect to by-laws (other than drainage by-laws) requiring the assent of the electors.

Non-consumers.

6. Notwithstanding anything in the said Act or this Act contained, no person shall be bound to take water supplied by the said commissioners or the said municipal council unless he shall choose to do so, and neither the said commissioners nor the said municipal council shall have authority to impose water rates upon non-consumers.

Lands of infants and absentees and others under disability.

7. If any of the owners or occupiers of, or persons interested in any land, right, or privilege entered upon or taken under the provisions of the said Act, is an infant, insane, or absent from this Province, or if any person interested in the moneys awarded as compensation therefor, refuse or is unable to execute the proper



proper conveyance, or if for any other reason the commissioners deem it advisable so to do, the commissioners may pay the amount of such compensation, with interest for six months, into the Court of Chancery, for the purpose of the same being distributed between and paid to the persons entitled thereto according to their several and respective interests therein, and thereupon the lands, rights, and privileges in respect of which such compensation is awarded, shall be vested in the Corporation of the said City of London, its successors and assigns, and the award shall be deemed the title of the Corporation, and may be registered in the proper registry office.

8. A notice in such form and for such time as the said Court appoints shall be inserted in some newspaper published in the county in which the lands are situate, which shall state that the title of the Corporation, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bar all claims to the lands, rights or privileges, or any part thereof, including dower, as well as all mortgages and encumbrances upon the same, and the Court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested, as to right and justice, and according to the provisions of this Act and to law appertain.

Publication of notice to parties to file claims.

Bar to claims.

9. The costs of the proceedings or any part thereof shall be paid as the Court deems it equitable to order.

Costs.

10. If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Commissioners or the Corporation (as the case may be), and if from any error, fault or neglect of the Commissioners, or the Corporation (as the case may be), such order is not obtained until after the six months have expired, the Court shall order the Commissioners, or the Corporation (as the case may be), to pay to the proper claimants the interest for such further period as may be right.

Interest.

11. No person shall be held to be disqualified from being elected or sitting as a member of the Council of the Municipal Corporation of the City of London by reason of his being a taker or consumer of water supplied by the Commissioners or the Corporation, or by reason of any dealing or contract with the Commissioners or the Corporation with reference to the supply of water to such person.

Contracts for water not to disqualify for the council.

Procuring immediate possession of lands.

**12.** If the Commissioners show by affidavit to the satisfaction of the judge of the County Court of the County wherein the lands lie, that the immediate possession of the lands, or of the rights or privileges which are sought to be acquired under the provisions of the said Act is necessary for proceeding with the operations of the Commissioners, and that the Commissioners are ready to proceed with such operations forthwith, the said judge may, upon the Commissioners giving security to his satisfaction in such sum as he may think just, to pay or deposit the compensation to be awarded within one month after making the award, with interest from the time possession is given, and also to pay such costs as may be lawfully payable by the Commissioners, issue his warrant to the sheriff of the county in which the lands lie, or to a bailiff, as he may deem most suitable, to put the Commissioners in possession, and to put down any resistance or opposition to possession being taken, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

Title of this and prior Act.

**13.** The said Act may be cited and known as "The London Water-works Act, 1873," and this Act as "The London Water-works Amendment Act, 1878."

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#### SCHEDULE "A."

A by-law to provide for the issue of Water-works Debentures to the amount of \$ \_\_\_\_\_ under the authority of the "London Water-works Act, 1873," and "The London Water-works Amendment Act, 1878."

Whereas the said recited Acts authorize the issue of debentures for the purposes therein mentioned to an amount not exceeding four hundred thousand dollars;

And whereas a by-law authorizing the construction of Water-works for the City of London, by the authority of the said recited Acts has been duly passed in accordance therewith, and the expenditure thereby authorized to be incurred is the sum of three hundred and twenty-five thousand and thirty-five dollars;

Be it therefore enacted by the Municipal Council of the Corporation of the said City of London as follows:

1. It shall be lawful for the Water Commissioners of the City of London to raise by way of loan from any person or body corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned a sum of money not exceeding in the whole the sum of three hundred and twenty-five thousand and thirty-five dollars, and to cause the same to be paid into the branch or agency office of the \_\_\_\_\_ at the City of London, to be kept and applied in the manner provided by section thirty-five of the said first recited Act.

2. The mayor may cause any number of debentures, which shall be marked and known as water-works debentures, to be made for such sums as may be required, but not for less than one hundred dollars or twenty pounds of sterling money of Great Britain each, and such debentures shall be made under the common seal of the said city, and signed by the mayor and treasurer thereof.

3. The said debentures shall be made payable in years at furthest from the date of the respective issue thereof, either in sterling money of Great Britain or currency, in this Province or Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest after the rate of per centum per annum from the date thereof, and the interest shall be payable half-yearly, on the first days of January and July in each and every year.

Passed in open council the                      day of  
in the year of our Lord one thousand eight hundred and  
seventy                      and given under the corporate seal of the said  
municipality.

*Clerk.*

*Mayor.*

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## CHAPTER 28.

An Act respecting Water-works and to validate By-law Number 212 of the Town of Owen Sound.

*[Assented to 7th March, 1878.]*

**W**HEREAS the construction of Water-works and a supply of water would conduce to the comfort of the inhabitants of the Town of Owen Sound, and afford means for the better protection from fire of property therein, and whereas the Council of the Corporation of the said town with the consent of the Municipal electors thereof, on the twenty-second day of November, one thousand eight hundred and seventy-five, finally passed a by-law intituled "By-law number 212, to incur a debt of fifteen thousand dollars, for the purpose of aiding in the construction of a Dry Dock in the Town of Owen Sound," and whereas, on the faith of said By-law The Owen Sound Dry Dock and Ship Building Company was incorporated and have constructed a Dry Dock in said Town and have received the debentures issued under said By-law, but are unable to sell them in consequence of doubts as to the power of the said Corporation to pass such by-law; and whereas the Council of the Corporation of said town have by petition asked to be authorised to construct, have and manage, as to them may seem meet, certain

Preamble.

certain Water-works for said Town and that the said By-law No. 212 may be legalized and confirmed, and whereas it is expedient to grant the prayer of said Petition :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Powers to construct.

**1.** The Corporation of the Town of Owen Sound by and through the agency of commissioners and their successors, to be elected and appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct, water-works and all buildings, materials, machinery and appliances therewith connected or necessary thereto in the Town of Owen Sound and parts adjacent as hereinafter provided.

Commissioners, their powers.

**2.** The commissioners and their successors shall be a body corporate under the name of "The Water Commissioners for the Town of Owen Sound," and shall be composed of not less than three and not more than five members, as the council of said town may decide, of whom the Mayor of the Town of Owen Sound shall be *ex officio* one; and the said commissioners shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Duties of Commissioners.

**3.** It shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the said Town of Owen Sound with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Powers of Commissioners.

**4.** The commissioners shall have power to employ engineers, surveyors and such other persons, and to rent or purchase such lands, buildings, waters and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Power to acquire lands, arbitration, &c.

**5.** It shall and may be lawful for the said commissioners, their agents, servants and workmen from time to time and at such times hereafter as they shall see fit, and they are hereby authorised and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Owen Sound or within five miles of the said town, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water-works: also to divert and appropriate any river, pond of water, spring, or stream of water therein, as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water for the purchase thereof or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners; and in case of any



any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid the Judge of the County Court of the County of Grey shall, on application by either party appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his or her behalf, in case such land, land or water privileges be mortgaged or pledged to any person or persons the Judge of the said County Court, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same; and the award of the majority of the said arbitrators in writing shall be final; and the said arbitrators shall be, and they are hereby required to attend at some convenient place at or in the vicinity of the said town, to be appointed by the said commissioners after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said County of Grey, well and truly to assess the value or damages between the parties to the best of his judgment; and the Justice of the Peace before whom the said arbitrators or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect: Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Lands to be  
vested in the  
Corporation.

Powers of  
Commission-  
ers.

6. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the Corporation of the Town of Owen Sound and their successors; and it shall and may be lawful for the said commissioners and their successors to construct, erect and maintain in and upon the said lands all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom, in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works and the springs, streams, rivers or ponds or waters from which the same are procured, and the said Town of Owen Sound by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purpose as aforesaid, the said commissioners and their successors and servants are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same and in, upon, over, under and through the ways, railways and roads within five miles of the Town of Owen Sound, and in, through, over and under the public highways, streets, lanes, railways or other passages within the said Town of Owen Sound, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate, or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners or their successors shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the Town of Owen Sound, or for the uses of the corporation of the said town or of the proprietors or occupiers of the land through or near which the same may pass; and for this purpose to sink and lay down pipes, tanks, reservoirs and other conveniences, and from time to time to alter all or any of the said works as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors to be ascertained in case of disagreement by arbitration as aforesaid; and all such water-works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Corporation of the Town of Owen Sound.

Injury, &c.,  
to Works.

7. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the  
said

said commissioners or their managers, contractors, servants, agents, workmen or any of them in the exercise of any of the powers and authorities in this Act authorised and contained, or if any person shall wilfully or maliciously let off, or discharge any water so that the same shall run to waste, or useless out of the said works, or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done; every person offending in any of the cases aforesaid shall, on conviction thereof, before any Justice of the Peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes and the other half to him or her who shall lay information, and in case the parties suing for the same shall be the commissioners themselves, or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the use of the commissioners for water-works purposes; and such justice may also in his discretion further condemn such person to be confined in the common gaol of the County of Grey for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law at the suit of the commissioners to make good any damage done by him, her or them.

8. The commissioners shall be and they are hereby required to keep, or cause to be kept, regular books of account and books for recording the whole of their official proceedings; and the commissioners and the clerks employed in their service shall be sworn before a Justice of the Peace to the faithful performance of their duties; and all such books shall be open to the examination of any member of the Town Council of the Town of Owen Sound, or of any person or persons appointed for that purpose by the Corporation of the Town of Owen Sound; and shall annually, on or before the thirty-first day of December in each and every year make a report to the Corporation of the Town of Owen Sound of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Books and  
accounts.  
  
Annual report  
of receipts, &c.

9. The commissioners and their successors shall from time to time in each year, deliver to the council of said corporation such other statement of the affairs of the said water-works as the said corporation may consider necessary and which will afford to the citizens of the Town of Owen Sound a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the Corporation of the Town of Owen Sound; and all the accounts relating to the said water-works may be audited by the auditor of the said corporation in regular course.

Annual state-  
ment.  
  
Audit.



Regulations  
for use of  
water.

**10.** The commissioners for the time being, shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof and the times of payment; and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion; Provided always, that all hydrants, conduits or other appliances which the Corporation of the Town of Owen Sound may require under this Act, for the purpose of extinguishment of fires, shall be placed as the Corporation of the Town of Owen Sound shall direct, and shall be under their exclusive control and direction when erected.

Hydrants, &c.,  
for fires.

Water-rate.

**11.** The commissioners shall have power and authority, and it shall be their duty from time to time to fix the price, rate or rent, (such price, rate or rent not being less after the completion of the works than sufficient to pay the interest and sinking fund upon the debentures issued for the construction of the works and the expenses of maintaining and working the same) which any owner or occupant of any house, tenement, lot or part of a lot or both, in, through or past which the water-pipes shall run, shall pay as water rate, or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant or conferred upon him or her or their property by the water-works, and the locality in which the same is situated; and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be and continue a lien or charge unless paid upon such real estate in the same way and manner as other taxes assessed on real estate in the Town of Owen Sound are liens; and the water commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings; and in order to prevent the waste of water and settle disputes arising therefrom as to the quantity supplied to any consumer, the said commissioners are hereby empowered to erect or place water meters or other water measuring apparatus on the premises of the consumer whenever they may deem it expedient so to do, the cost thereof to be borne by such consumer.

Lien.

Payment of  
rates to Treas-  
urer.

**12.** All water rates and water rents when collected, less disbursements by the commissioners shall be paid over monthly by the said commissioners to the Treasurer of the Town of Owen Sound.

Power to make  
by-laws.

**13.** The commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the said water-works, officers and others employed by them, not inconsistent with this Act, and for the collection of the said water



water rent and water rate, and for fixing the time and times (which shall be quarterly) when, and the places where the same shall be payable, also for allowing a discount for prepayment, and in case of default in payment to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found within the Town of Owen Sound or County of Grey, or of any goods and chattels found on the premises the property of or in the possession of any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of town taxes and the costs chargeable shall be those payable to bailiffs under the Division Court Act: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises, and in the event of any such rate uncollected and unpaid and continuing a lien upon the premises as hereinbefore provided, the amount of such rate so in arrears shall be returned by the commissioners to the Treasurer of the Town of Owen Sound, annually, on or before the eighth day of April in each and every year, and the same together with interest at the rate of ten per cent. per annum thereon shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

**14.** The commissioners may prosecute or defend any actions or process at law or in equity by the name of "The Water Commissioners of the Town of Owen Sound," against any person or persons for money due for the use of the water, for the breach of any contract express or implied, touching the execution or management of the works or the distribution of the water or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Commissioners may sue or be sued.

**15.** The commissioners shall have power with the consent of the Corporation of the Town of Owen Sound to employ the town collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed and to fix their compensation; and all such persons shall hold their offices under the commissioners at the pleasure of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall from time to time require; and such assessors and collectors shall have as full power

Appointment of collectors, &c.

power in the performance and enforcement of the matters to them committed as the collectors and assessors in the Town of Owen Sound may by law possess and enjoy.

Protection of officers.

**16.** The commissioners and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties as Justices of the Peace now have under the laws of this Province.

Using water without consent.

**17.** If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof without the consent of the commissioners he or they shall forfeit and pay to the commissioners for water-works purposes the sum of fifty dollars, and also a further sum of five dollars for each day, or part of a day or night or part of a night during which such pipe or main shall so remain, which said sums together with costs of suit in that behalf may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Fouling water.

**18.** If any person shall bathe or wash or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such water-works in any river, pond, creek, spring, source or fountain from which the water of the said water-works is obtained, or shall convey or cast or throw or put any filth, dirt, dead carcase or other noisome or offensive things therein, or within the distance as above set out, or cause, permit, or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled, every such person shall, on conviction thereof before any Justice of the Peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars together with costs, one-half to be applied for water-works purposes and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for water-works purposes, and such justice may also in his discretion further condemn such person to be confined in the common gaol of said county for a space of time not exceeding one calendar month with or without hard labour as to such justice may seem meet.

Penalty.

By-laws to prohibit fraud.

**19.** It shall and may be lawful for the commissioners, and they are hereby authorised and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water-works purposes or imprisonment not exceeding one calendar month, the amount of such fine and duration of such imprisonment and also

also the option between fine and imprisonment with or without hard labour, being always in the discretion of the Justice of the Peace before whom any proceedings may be taken for enforcement thereof, any person being occupant, tenant or inmate of any house supplied with water from the said water-works, from lending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away or from using or applying it to the use or benefit of others, or to any other than his, her or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor and each and every other matter or thing related to or connected therewith, with which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

**20.** In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates and to be collected in the same manner from the said owners.

**21.** The service pipes from the line of street to the interior face of the outer wall of the building supplied together with all branches, couplings, stopcocks and apparatus placed therein by the commissioners shall be under their control, and if any damage be done to this portion of the service pipe or its fittings either by neglect or otherwise, the commissioners may repair the same and charge the same to the occupant or the owner of the premises. The stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent flooding of the premises.

**22.** All parties supplied with water by the commissioners, may be required to place only such taps for drawing and shutting off the water as may be approved of by the commissioners.

**23.** Neither the water commissioners nor the Corporation of the Town of Owen Sound shall be liable for damages caused by the breaking of any service-pipe or attachment or for any shutting off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.



Power to inspect buildings.

**24.** It shall be lawful for the officers of the water commissioners and every person authorised by them for that purpose to have free access at proper hours of the day and upon reasonable notice given and request made for that purpose to all parts of every building in which water is delivered and consumed.

Penalty for injury to hydrant, &c.

**25.** If any person or persons not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorised in that behalf, shall wilfully open or close any hydrant or obstruct the free access to any hydrant, stopcock, chamber or hydrant chamber by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding twenty dollars to be applied to the use of the Commissioners for water-works purposes, or in default of payment be imprisoned in the common gaol of the county for a term not exceeding thirty days, and each time the said hydrants are so interfered with, and each day or part of a day, night or part of a night such obstruction shall continue, shall be considered a separate offence.

Quorum.

**26.** A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Extension of pipes to suburbs.

**27.** The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs and partially built portions of the town by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit when the said pipes are laid, at the cost of the parties under the directions of the commissioners and subject to their approval; or the commissioners may lay the pipes charging the said parties, in addition to the usual water-rates, a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due shall be paid at the same time, and collected in the same manner as the water-rates.

Supply to non-residents, manufactories, &c.

**28.** The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the Town of Owen Sound, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons as well within the suburbs of as within the Town of Owen Sound, and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided that no power shall be exercised under this section without the consent and approbation of the Corporation of the Town of Owen Sound.



**29.** The lands, buildings, machinery, reservoirs, pipes and all other real or personal property connected with or appertaining or belonging to the water-works shall be exempt from taxation, unless the Corporation of the Town of Owen Sound, by by-law, shall direct that they be liable to taxation. Exemption from taxation.

**30.** If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages then within one year after the original cause of such action arising. Limitation of actions.

**31.** The watchman and other officers of the water commissioners, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authority of officers of the peace. Officers to be *ex officio* officers of the peace.

**32.** For the purpose of acquiring the necessary lands, rights and privileges and constructing the said water-works, and for the extension and repairs of the said water-works or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the Corporation of the Town of Owen Sound shall have power to issue debentures of the said Town of Owen Sound to be called "Water-works Debentures," for a sum of money not exceeding one hundred thousand dollars of lawful money of Canada, in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to said corporation seem expedient; which debentures shall become payable in manner, and at the times following, that is to say, within a period of thirty years from the date of the respective issues thereof; and shall bear interest after a rate not exceeding seven per centum per annum, such interest to be payable half yearly and shall have coupons attached for the payment of the said half yearly interest; and such debentures shall be signed by the mayor and treasurer of the said town for the time being and may be made payable either in sterling or currency in this Province, Great Britain, or elsewhere, as to the Council of the Corporation of the Town of Owen Sound shall seem expedient; and the Corporation of the Town of Owen Sound and their successors shall for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually after the completion of the said works or at the expiration of three years from the date of the first issue of such debentures such sums as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full, as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year to pay the said principal and interest on such debentures: But every by-law for raising upon the credit of the said municipality any money for water-works purposes shall before the final passing thereof Corporation may issue debentures. Sinking fund. By-law to be submitted to the ratepayers.

receive the assent of the municipal electors of the Town of Owen Sound in the manner provided for in the two hundred and thirty-first section of the Municipal Institutions Act.

Custody of  
debentures.

Payment of  
proceeds.

Payment to  
contractors.

**33.** Such debentures when issued shall be deposited in some of the chartered banks having an office in the Town of Owen Sound; and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said town; and the same shall only be paid out on the cheque of the mayor and treasurer for the time being of the Town of Owen Sound and the chairman for the time being of the said water commissioners as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water-works; Provided always, that nothing herein contained shall prevent the commissioners should they deem it advisable so to do, from paying the contractor or contractors or others in debentures either at par or at such rate of discount as the commissioners shall in their judgment deem advisable with the assent of the Corporation of the Town of Owen Sound thereto nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Owen Sound.

Lien of debenture  
holders.

**34.** The said water-works to be erected and constructed under this Act and also the lands to be acquired for the purpose thereof and every matter and thing therewith connected shall be, and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the debentures in the last previous section mentioned shall have a preferential pledge, mortgage or hypothec or privilege on the said lands, water-works and property appertaining thereto, for securing the payment of the said debentures and the interest thereon.

Application of  
revenue.

**35.** After the construction of the works, all the revenues arising from or out of the supplying of water or from the real or personal property connected with the said water-works to be acquired by the said corporation under this Act shall, after providing for the expenses attendant upon the maintenance of the said water-works be paid over to and deposited monthly with the treasurer of the said Corporation of the Town of Owen Sound, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly.

Disposal of  
property.

**36.** The Corporation of the Town of Owen Sound may dispose of any real or personal property acquired by them for  
water-works

water-works purposes, when no longer required and until sold, demise and lease the same.

**37.** This Act shall not have any force or effect until the Council of the Corporation of the Town of Owen Sound shall pass a by-law authorizing the construction of the said water-works; but no by-law shall be passed, firstly, until estimates of the intended expenditures have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law, has been published for one month, and a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof) has been published for one month in some newspaper in the Town of Owen Sound; nor secondly, until a poll has been held in the same manner and at the same place, and continued for the same time as at elections for councilmen, and unless a majority of the electors voting at the poll vote in favour of the by-law; nor thirdly, unless the by-law is thereafter passed at some meeting of the Council of the Corporation of the Town of Owen Sound, held not less than ten days after taking the said vote, nor more than one calendar month, and at some meeting of said council.

When Act to come in force by by-law.

**38.** If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year.

The case of rejection of by-law.

**39.** The by-law shall recite: (1) the title of this Act, (2) the amount of the estimated expenditure for water-works, (3) the amount of debt which it is intended to create by the construction of said water-works, which shall not exceed the amount of debentures authorized to be issued by this Act;

Terms of by-law.

(2.) The Council of the Town of Owen Sound shall name the returning officers and poll clerks to take the votes;

Returning Officers, &c.

(3.) The electors entitled to vote shall be such rate payers only as are voters on the last revised assessment roll of the Town of Owen Sound for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which shall not be less than ten years, or for life, and in the lease for which leasehold the lessee covenants to pay all town taxes; and the clerk shall furnish the returning officers with a verified list of the electors;

Voters and voting.

(4.) Any ratepayer offering to vote on any such by-law may be required by the returning officer, or any ratepayer entitled to vote, on any such by-law, to make the following oath or affirmation before his vote is recorded:

Oath of voters



1, A.B., do solemnly and sincerely make oath (*or affirm, as the case may be*) that I am the person named, or purporting to be named in the list of electors; that I am a freeholder, or leaseholder (*as the case may be*); (*and if the person votes as a leaseholder, then insert these words*) "that my lease extends for the period of ten years from the time of making this oath or affirmation (*or for life*); that I am bound in such lease to pay all town taxes" and that I am, according to law, entitled to vote on the said by-law :

Electors may  
vote in wards  
where  
qualified.

(5.) Any elector may vote in each ward of the town in which he shall have the necessary qualification ;

Return of poll  
books.

(6.) Every returning officer shall, on the day after the closing of the poll, return his poll-book verified, to the Clerk of the Town of Owen Sound; and in case of the loss or destruction of the poll-book, deliver a statement under oath, of the number of votes for and against the said by-law, at the time of the loss or destruction of the poll-book ;

Town clerk  
to certify  
whether the  
by-law is  
carried.

(7.) The town clerk shall add up the number of votes for and against the same, and certify to the council whether the majority have affirmed or disapproved of the by-law.

Irregularities  
of by-law or  
debentures.

40. No irregularity in the passing of the said by-law, or in the forms of the said debentures, authorised by this Act, in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them, or any part thereof.

Number of  
commission-  
ers, their  
appointment  
and remunera-  
tion.

41. There shall be not less than three nor more than five commissioners as may be decided by the council of the town of whom the Mayor of the Town of Owen Sound for the time being, shall be *ex officio* one, and the others of whom shall be elected by the ratepayers of the said town, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided ; and the remuneration of the said commissioners shall be such as the Council of the Corporation of the Town of Owen Sound may, by by-law before their election, determine.

Term of office

42. The said water commissioners shall hold office for the term of one year, except the commissioners first elected, who shall hold office until the third Monday of January next following their election ; and after the said first election, the commissioners shall be elected to the said office at the same time and in the same manner as councilmen ; and all the provisions and remedies of the Municipal Institutions Act, at any time in force with respect to councilmen, shall apply in all particulars not inconsistent with this Act, to the said commissioners as to election, unseating, filling vacancies, grounds of disqualification and otherwise.

Disqualifica-  
tion, election,  
&c.

**43.** Whenever the by-law authorising the construction of the said water-works shall have been finally passed by the council, a meeting of the electors of the said town shall take place for the nomination of persons for the office of water commissioners, at such place as the council shall by by-law appoint; and the proceedings at such meetings shall be similar as in the case of the nomination for councilmen; but in case it becomes necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in each ward of the town, at the place or near thereto where the then last municipal election was held, and in all particulars the election shall be conducted in the same manner as an election for councilmen.

Election of  
commission-  
ers.

**44.** A water commissioner may resign his office and shall cease to hold office for the same cause as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the Council of the Corporation of Owen Sound shall appoint a person to fill that vacancy, and the person so appointed shall hold office for the residue of the time for which his predecessor was elected or appointed, for which the office is to be filled.

Vacancies.

**45.** The said works shall be constructed, completed and finished except as to the laying of additional pipes and mains, within three years from the passing of said by-law authorising the construction of said water-works.

When works to  
be completed.

**46.** All work under the commissioners shall be performed by contract.

Contracts.

**47.** No commissioner or councilman shall personally have or hold any contract in connection with said works or be directly or indirectly interested in the same or any of them; no councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman.

Commissioners  
or Councilmen  
not to be in-  
terested in  
works.

**48.** The water commissioners shall have the same property qualifications as by municipal law councilmen are required to have, over and above all encumbrances; and shall before taking office and within ten days of their election or appointment, make oath to such qualification before some Justice of the Peace of the County of Grey, and deposit the same with the Town Clerk of the Corporation of the Town of Owen Sound.

Qualification.

**49.** Notwithstanding the provisions of this Act authorising the construction of the said water-works through the agency of commissioners, the Corporation of the Town of Owen Sound in the by-law authorising the construction of said water-works,

Corporation  
may construct  
works without  
appointment  
of commis-  
sioners.

works, and referred to in the thirty-seventh section of this Act, may declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof that the said water-works shall be constructed directly by the said Corporation of the Town of Owen Sound; and in case the said corporation shall so desire to construct the said water-works, then all the powers, rights, authorities, duties and liabilities by this Act given to, granted or vested in the said commissioners, shall be vested in the said corporation, and the said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act.

Construction  
by nominee of  
Corporation.

**50.** In case the Corporation of the Town of Owen Sound shall not see fit to construct the said water-works by or through the agency of commissioners, or directly by the said corporation, the said corporation may in the by-law referred to in the thirty-seventh section of this Act, declare it advisable to have the said water-works constructed either by a corporate water company or by any other person or persons, and the Corporation may, by by-law to be approved of by the electors, grant aid for the construction of the said waterworks in such manner as they may consider expedient, but the by-law in such case shall be published for the time and in the manner, and the vote of the said electors be taken as provided for the by-law mentioned in section thirty-seven of this Act.

Aid by the  
Corporation.

By-law.

**51.** In case the Corporation of the Town of Owen Sound shall desire to construct the said water-works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters, voting upon any by-law to be submitted for that purpose, and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation, for the approval of the qualified voters in the proposed by-law, mentioned in the thirty-seventh section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately.

Powers to  
nominee.

**52.** The Corporation of the Town of Owen Sound shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of said water-works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works and the management thereof when constructed, which by this Act are conferred upon the commissioners or the Corporation of the Town of Owen Sound.

Corporation  
may assume  
works.

**53.** The corporation of the town may, in case the construction of the work be intrusted to commissioners as hereinbefore provided,



provided, at any time assume the works, remove the commissioners and proceed with the works as if the corporation had originally undertaken the said works; but such assumption must be by by-law of the said corporation to be approved of by the municipal electors hereinbefore mentioned; said by-law to be published for the time and in the manner, and the vote of said electors to be taken in the manner hereinbefore provided as to the by-law mentioned in section thirty-seven of this Act.

**54.** The By-law No. 212 of the Corporation of the Town of Owen Sound intituled, "By-law No. 212 to incur a debt of fifteen thousand dollars for the purpose of aiding in the construction of a Dry Dock in the Town of Owen Sound," is hereby declared legal and valid, and the debentures issued or to be issued under the said by-law binding and valid as if no defect existed in said by-law, any law or statute to the contrary notwithstanding.

By-law for  
construction of  
dry dock and  
debentures  
legalized.

## CHAPTER 29.

An Act respecting certain Dams on Black Creek.

[Assented to 7th March, 1878.]

**W**HEREAS Hugo B. Rathbun and Edward W. Rathbun Preamble. have by their petition represented that they are the owners of lot number sixteen in the first concession of the Township of Elziver, in the County of Hastings, except the east forty acres thereof; and that they are also the owners of lot number twenty-eight in the third concession of the said township; of lot number thirty-one in the third concession of the Township of Grimsthorpe, in the said County; and of lots numbers fifteen and sixteen in the fifth concession of the said last mentioned Township: that for the purpose of floating logs and timber down Black Creek and its branches (which pass over the said lands) to their mills on the Bay of Quinte from their limits and lands in Ontario, they, the said Hugo B. Rathbun and Edward W. Rathbun, have been obliged to erect and maintain upon their said lands, in the said streams, certain dams, which have facilitated and do facilitate their getting logs down the said streams, saving great expense, and also making said streams navigable for logs and timber which they otherwise would not be to so great an extent; and whereas the said Hugo B. Rathbun and Edward W. Rathbun have in and by their said petition prayed that they may be authorized to keep and maintain the said dams for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition:

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain persons may construct dams.

1. The said Hugo B. Rathbun and Edward W. Rathbun, their heirs and assigns, the owners of the said lots respectively above mentioned, that is to say of lot number sixteen in the first concession of the township of Elziver, except the east forty acres thereof; lot number twenty-eight in the third concession of the said township; lot number thirty-one in the third concession of the Township of Grimsthorpe; and lots numbers fifteen and sixteen in the fifth concession of said last-mentioned township, shall have the right to keep and maintain the said dams situate on the said lots respectively, and across the said streams, for the purpose of raising and keeping up the waters of the said streams: Provided always that each of the said dams respectively shall be provided with a slide and the appliances now required by law in the case of mill dams on streams used for the purpose of floating down logs and timber, and provided moreover, that none of said dams shall be so maintained or kept at any greater height or to any greater extent than the same is at present.

Proviso.

Compensation

2. For all lands flooded by reason of the said dams, and which have been patented or agreed to be sold by the Crown, the said Hugo B. Rathbun and Edward W. Rathbun, their heirs or their assigns, shall to the owners, tenants and lawful occupiers thereof make compensation for the injury if any done to said lands, such compensation to be ascertained as hereinafter provided; but in cases where the patents hereafter to be issued by the Crown provide that no compensation shall be made for such injury, the patentee shall have no claim on said parties owning said dams, or any of them, their heirs or assigns.

Crown Lands.

3. With respect to lands now vested in the Crown and unsold, the said Hugo B. Rathbun and Edward W. Rathbun, their heirs and assigns, shall not be liable to any purchaser of said lands for any damage caused by said dams, or any of them, while maintained at a height not exceeding the present height of said dams respectively.

Compensation to be determined by arbitration.

4. With respect to the lands mentioned in the second section of this Act, the compensation to be made for the injury in said section mentioned may be agreed upon between the said Hugo B. Rathbun and Edward W. Rathbun, their heirs or assigns, and the respective owners, tenants or lawful occupiers of the lands so injured, in such manner and on such terms as the parties may agree upon; and in case of disagreement, then the proceedings to ascertain and fix said compensation shall be the same as are pointed out and provided in sections seventeen, eighteen, nineteen, twenty, and twenty-one of chapter one hundred and fifty-two of the Revised Statutes of Ontario.

5. In any notice of arbitration to be given under the next preceding clause, there shall be inserted a description of the land affected and the damage to be arbitrated for and upon, and the said notice shall also name a sum which shall be offered as compensation for the said damages; and if the sum awarded is equal to or less than the sum offered, the said owner shall pay all the costs of the arbitration and award, and the same may be deducted from the amount of the award, and if the award is not sufficient to pay the same, the balance may be recovered by suit by the other party to said award, but if the sum offered be less than the amount awarded the said Hugo B. Rathbun and Edward W. Rathbun, their heirs or assigns arbitrating, shall pay all costs attendant on the arbitration and award, and the arbitrators may award accordingly.

Notice of arbitration.

Costs.

6. The said award shall be a complete bar to all further claims because of the said dams, or any of them, or because of the flooding in respect of which such arbitration shall have been had, and for all damages occasioned thereby, so long as and while the same are maintained at no greater height than the same were at the time of the making of the said award.

Award to be final.

7. The said Hugo B. Rathbun and Edward W. Rathbun, their heirs or assigns, may register any such award in the office of the Registrar for the County of Hastings; and the production of a certified copy of the said award under the hand and seal of office of the Registrar shall in all courts and places be taken as *prima facie* evidence of the said award in the same manner and to the same effect as if the original thereof, in his office, was produced.

Registration of award.

Evidence.

8. Provided always that any of the powers or rights conferred by this Act shall be subject to, and shall not interfere with the powers vested in the Commissioner of Public Works, under the fifty-fourth and fifty-fifth sections of chapter thirty of the Revised Statutes of Ontario; Provided moreover, that the Lieutenant-Governor in Council may, whenever it is deemed expedient in the public interest, cause said dams in the Township of Grimsthorpe to be taken down and removed.

Powers of Commissioner of Public Works, and to remove dam.

## CHAPTER 30.

### An Act to Consolidate the Debt of Brockville.

[Assented to 7th March, 1878.]

WHEREAS the Corporation of the Town of Brockville, by their petition, have represented that they have incurred debts and liabilities to an amount between twenty-three and twenty-four

Preamble.



twenty-four thousand dollars, and have prayed that the said debt may be consolidated, and that they may be authorised to issue debentures for that purpose ; and whereas it is expedient to grant the said prayer, and in order to provide against any loss on the said consolidation, it is expedient to enable the said corporation to issue such debentures for a sum not exceeding twenty-five thousand dollars ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Debentures  
may issue not  
exceeding  
\$25,000.

1. The said corporation may issue debentures under the corporation seal, signed by the mayor and countersigned by the treasurer of the corporation for the time being, for such sums not exceeding twenty-five thousand dollars in the whole, as the municipal council of the said town may direct ; and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere as the municipal council may deem expedient.

Loan on de-  
bentures.

2. The said corporation may raise by way of loan upon the credit of the said debentures from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding twenty-five thousand dollars of lawful money of Canada.

Discharge of  
outstanding  
liabilities.

3. The treasurer of the corporation shall, on receiving instructions so to do from the municipal council, from time to time with the consent of the holders call in any of the outstanding liabilities, specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may substitute these for the said debentures, or any of them authorized to be issued by this Act, as may be agreed upon between the corporation and the creditors of or claimants upon the corporation.

Disposal o  
funds.

4. The funds derived from the negotiation of the said debentures shall be applied by the municipal council to the payment of the said outstanding liabilities, and to and for no other purpose whatever.

Special rate  
for payment of  
debentures.

5. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year), which shall be sufficient to pay the interest to be paid on the said debentures, and to form a sinking fund of two per centum per annum, for the purpose of paying the principal thereof.

6. The municipal council shall, and it shall be the duty of the treasurer to invest from time to time all moneys raised by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorised to be issued, or in any debentures or stock issued by the Dominion of Canada, or in such other securities as the Lieutenant-Governor of this Province may by Order in Council direct, or may deposit the same in any chartered bank of the Dominion of Canada, that the council may from time to time approve.

Investment of sinking fund.

7. The debentures to be signed as aforesaid shall be payable in not more than twenty years from the date thereof as the said municipal council may direct, and the interest thereon at such rate, not exceeding six per centum per annum, as the said municipal council shall determine, shall be payable half yearly according to the coupons attached thereto.

Debentures and interest, how payable.

8. No irregularity in the form either of the said debentures or of any by-law authorising the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Irregularities not to invalidate.

9. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto, prescribed by "The Municipal Act."

Assent of electors not required.

10. The said debentures and coupons may be made payable either in sterling money or currency as the municipal council shall direct.

Debentures may be payable in sterling money.

## CHAPTER 31.

An Act to enable the County of Bruce to assume the railway debts of certain municipalities in the said county, and to enable said county to provide for the payment of the same.

[Assented to 7th March, 1878.]

WHEREAS the Corporation of the County of Bruce, by their petition, represents that in the year of our Lord one thousand eight hundred and sixty-nine, the municipal corporation of the County of Bruce passed a by-law providing for the issue of the debentures of said county to the amount of two hundred and fifty thousand dollars, payable in twenty years, with

Preamble.

with interest at six per centum per annum, and delivered said debentures to the Wellington, Grey and Bruce Railway Company, as a bonus to aid said company in the construction of their line of road through said county from Clifford to Southampton; and whereas there yet remains due of the debt created by the issue of said debentures, the sum of two hundred and twenty-seven thousand dollars, or thereabouts, and interest, with a sum to the credit of the sinking fund for the payment of said debt of eighty-seven thousand five hundred dollars, or thereabouts; and whereas the municipalities of the townships of Kinloss, Huron and Kincardine, in the year of our Lord one thousand eight hundred and seventy-two, created a separate sectional debt of fifty-one thousand dollars by by-law, and the issue of debentures thereunder, to aid the Wellington, Grey and Bruce Railway Company in constructing the south branch of the said road, and there yet remains unpaid on said separate debt the sum of forty-three thousand dollars or thereabouts and interest, with the sum to the credit of the sinking fund for the payment of the said debt and interest of five thousand three hundred dollars or thereabouts; and whereas the said town of Kincardine in said County, also created a separate debt of eight thousand dollars and interest, to aid in the construction of said south branch of said line of railway, and there yet remains unpaid the whole of said debt and interest, less arrears of interest with a credit to the sinking fund of two thousand dollars or thereabouts; and whereas the township of Culross and the village of Teeswater also created a sectional debt of forty-three thousand dollars and interest, to aid the Toronto, Grey and Bruce Railway Company to extend their line of road to Teeswater, in the said county, and there yet remains unpaid the whole of said debt and interest, less arrears of interest, with a credit to the sinking fund, for the redemption of said debt, of thirteen thousand eight hundred dollars, or thereabouts; and whereas the County Council of said County of Bruce is desirous and has petitioned that the corporation of the County of Bruce be empowered to assume the whole unpaid railway debts of said several municipalities created to aid the construction of said south branch of the Wellington, Grey and Bruce Railway, and relieve said several municipalities therefrom, and a portion of the railway debt of said township of Culross and the village of Teeswater, created to aid said Toronto, Grey and Bruce Railway Company on condition that the assuming of the whole or portions of said debts and relieving said municipalities therefrom, receive the assent of the electors of said county; and whereas it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The County of  
Bruce may as-  
sume the debts  
of townships

1. It shall be lawful for the County Council of the County of Bruce to pass a by-law to assume the whole or such portions of the unpaid debts of said townships of Kinloss, Huron and Kincardine,



Kincardine, and said town of Kincardine, created to aid said south branch of said Wellington, Grey and Bruce Railway Company, and such portion of the railway debt of said township of Culross and the village of Teeswater, created to aid said Toronto, Grey and Bruce Railway Company, as the said council may by said by-law determine; Provided always that all the provisions of the Municipal Act as to by-laws for raising on the credit of the municipality money not required for its ordinary expenditure, and not payable within the same municipal year, shall apply to the said by-law, such provisions being those which require and relate to assent of electors and otherwise.

in aid of W.  
G. B. Ry. and  
T. G. B. Ry.

Proviso as to  
assent of  
electors.

2. The said by-law may be passed by the County Council of said County of Bruce at the June session thereof next after the passing of this Act, or at any legal adjournment thereof, but not afterwards.

By-law to pass  
at next June  
session of  
Council.

3. Immediately after the passing and coming into effect of said by-law, the said several sinking funds shall vest in and become the property of, and be transferred to the said county to the extent and in the manner provided in and by said by-law.

Sinking Funds  
to become the  
property of the  
County.

## CHAPTER 32.

### An Act to confirm a Survey in the Township of Caledon.

[Assented to 7th March, 1878.]

WHEREAS the Municipal Council of the Township of Caledon have by their petition represented that all the side-road allowances in said township have been laid out by Provincial Land Surveyors from the posts or monuments planted at the intersection of said side-road allowances with the allowances for road between the different concessions of said township: That the courses of said side-roads so laid out have been ascertained to be generally correct and the same have been opened up and travelled, and a large amount of public money and statute labour have been expended thereon: That surveys performed under such of the provisions of chapter one hundred and forty-six of "The Revised Statutes of Ontario" as apply in this behalf would materially change the position of said travelled side-roads, thereby causing a serious outlay to said township in the construction of new roads and bridges, and considerable annoyance and litigation in setting and fixing the boundaries of the different lots in said township: That they have caused a survey to be made by Charles James Wheelock, a duly licensed Provincial Land Surveyor, to define the

Preamble.

the

the front angles of said side-road allowances: That the said Charles James Wheelock has in the course of such survey planted monuments at all the said angles formed by the intersection of such travelled side-roads with the allowances for road between the different concessions of said township, such monuments being planted as near as possible to the place occupied by such original posts or monuments; plans of the said survey by Charles James Wheelock shewing the position of such monuments planted by him, have been filed in the office of the Commissioner of Crown Lands for the Province of Ontario and in the registry office for the County of Peel: That the said survey by Charles James Wheelock and the position of said monuments so planted by him have given general satisfaction to the said municipal council and to the inhabitants of said township, and the said municipal council have prayed that an Act may be passed confirming the said survey of Charles James Wheelock, and declaring the same to be the authorized survey of the front limits of said side-road allowances, and the monuments so planted by him to be the true boundaries thereof; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Wheelock  
plan con-  
firmed.

1. The said monuments planted by the said Charles James Wheelock as represented by said plan, filed in the office of the Commissioner of Crown Lands for the Province of Ontario and in the registry office of the County of Peel on the sixteenth day of January, one thousand eight hundred and seventy-seven, shall be and the same are hereby declared to be the true and unalterable boundaries of the front angles of said side-road allowances where the same intersect the said concession lines of the said Township of Caledon; and in defining the proper location of said side-road allowances or of any boundaries between lots in said township, the said posts or monuments planted by said Charles James Wheelock in said survey shall be taken and held to be the posts or monuments planted in the original survey of said township, any law, custom, or usage to the contrary notwithstanding.

## CHAPTER 33.

An Act respecting the Debt of the County of Frontenac, and to make valid certain Debentures of said County.

[Assented to 7th March, 1878.]

**W**HEREAS the Corporation of the County of Frontenac Preamble. have at various times passed certain By-laws authorizing the issue of Debentures, such By-laws being respectively numbered 82, 100, 122, 141, and 148; and having where necessary by law being duly assented to by the electors of said County; And whereas doubts have arisen as to the legality of said By-laws, and it is expedient to remove such doubts, and to confirm the said By-laws; And whereas the said Corporation of the County of Frontenac have also petitioned to be authorized to consolidate the debt of the said Corporation incurred and created by and under said By-laws, which said debt amounts to the sum of two hundred and sixty-two thousand four hundred dollars, of which one hundred and fifty thousand dollars is the bonus granted by the said Corporation to the Kingston and Pembroke Railway Company, and twenty thousand dollars is for interest on said bonus, and to borrow the said sum of two hundred and sixty-two thousand four hundred dollars on the Debentures of the said Corporation for this purpose; And whereas it is expedient that the prayer of the said petition should be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said By-laws passed by the Corporation of the County of Frontenac authorizing the issue of certain Debentures, and numbered respectively 82, 100, 122, 141, and 148, and each of them are hereby confirmed, and declared legal and valid to all intents and purposes whatsoever, and to be binding on the said County and the ratepayers thereof. By-laws Nos. 82, 100, 122, 141, and 148 confirmed.

2. The said debt of the Corporation of the County of Frontenac is hereby consolidated at the sum of two hundred and sixty-two thousand four hundred dollars; and it shall and may be lawful to and for the said Corporation of the County of Frontenac to raise, by way of loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same a sum of money not exceeding two hundred and sixty-two thousand four hundred dollars of the lawful money of Canada. Debt consolidated at the sum of \$262,400. Power to borrow.



Debentures  
may be issued  
to the amount  
of \$262,400.

3. It shall and may be lawful for the Municipal Council of the said County of Frontenac for the time being to cause to be issued Debentures of the said Corporation, under the corporate seal, signed by the Warden, and countersigned by the Treasurer and Clerk of the said County for the time being, for such sums, not exceeding in the whole the said sum of two hundred and sixty-two thousand four hundred dollars, as the said Council shall direct and appoint, bearing interest at six per centum per annum, payable as the said Council shall appoint; and the principal sum secured by the said Debentures, and the interest accruing thereon, may be made payable either in this Province, in Great Britain, or elsewhere, as the said Council shall deem expedient, and may be either in currency or sterling money.

Application of  
proceeds.

4. The funds derived from the negotiation of the said Debentures shall be applied in the payment of the said debt of two hundred and sixty-two thousand four hundred dollars and not otherwise, shall for that purpose be deposited until required in the agency of a Chartered Bank of Canada at Kingston, upon such terms as the said Municipal Council and the said Bank shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said debt or any part thereof.

Outstanding  
debentures  
may be  
called in.

5. The Treasurer of the said County shall, on receiving instructions from the said Council so to do, from time to time, with the consent of the holders, call in any of the said outstanding Debentures and liabilities specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said Debentures, or any of them above authorized to be issued by this Act, as may be agreed upon between the said Corporation and the holders thereof.

By-law  
authorizing  
loan,

6. It shall and may be lawful for the said Municipal Council to pass a By-law, without observing the formalities required under the Municipal Acts in force in this Province in such cases, authorizing the said loan of two hundred and sixty-two thousand four hundred dollars, and the issuing of the Debentures therefor in accordance with this Act, and to impose in and by said By-law a special rate per annum on the whole rateable property of the Municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for principal and interest on account of the said Debentures last mentioned.

and special  
rate.

Debentures,  
how payable.

7. A portion of the said Debentures shall be made payable in each year, for thirty years from the time the said By-law shall take effect, and so that the sums to be levied for principal and

and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said Debentures.

8. Any By-law to be passed under the sixth section of this Act authorizing the said loan shall not be repealed until the debt created under this Act, and the interest thereon, shall be paid and satisfied. By-law not to be repealed until debt satisfied.

9. The By-law of the said Corporation of the County of Frontenac, granting and providing for the said bonus of one hundred and fifty thousand dollars to the said Kingston and Pembroke Railway Company shall not be repealed; and nothing in this Act contained shall be held or taken to discharge the Corporation of the County of Frontenac from any indebtedness or liability which may not be included in the said debt of two hundred and sixty-two thousand four hundred dollars; and no irregularity in the form either of the said Debentures authorized to be issued by this Act, or of the By-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said Debentures and interest, or any or either of them, or any part thereof. By-law of Frontenac irrevocable.  
Liability of Frontenac.  
Irregularities in issuing debentures.

## CHAPTER 34.

An Act to enable the Corporation of Leeds and Grenville to sell certain lands.

[Assented to 7th March, 1878.]

**W**HEREAS by Letters Patent bearing date the fourteenth day of September, one thousand eight hundred and forty-five, the following lands and premises were granted by the Crown to the Council of the District of Johnstown, their successors and assigns for ever, viz. : All that parcel or tract of land, situate in the Town of Johnstown, in the County of Grenville, in the District of Johnstown, containing by admeasurement four acres, be the same more or less, being composed of the block of land bounded by Queen Street and Charlotte Street produced, and by Water Street and the River St. Lawrence in the said Town of Johnstown, reserving free access to the beach for all vessels, boats, and persons, to have and to hold the said parcel or tract of land thereby given and granted to the said Council of the District of Johnstown, for ever, in trust for the use of the inhabitants of the said District; And whereas by Letters Patent bearing Preamble.

I

bearing date the 6th day of November, one thousand eight hundred and forty-seven, certain other lands were granted for public purposes by the Crown to the Council of the District of Johnstown, their successors and assigns for ever, viz. : All that parcel or tract of land situate in the Town of Johnstown, in the County of Grenville, in the District of Johnstown, containing by admeasurement two acres, be the same more or less, being composed of the broken fronts between the River St. Lawrence and that part of Water Street in front of lots numbers five and six in the said Town of Johnstown, that is to say: Commencing at the water's edge of the River St. Lawrence, in the eastern limit of Augusta Street, produced; then north forty-four degrees west three chains fifty links more or less to Water Street; then north, forty-six degrees, east six chains thirty-four links, more or less, to Elizabeth Street produced; then south forty-four degrees east three chains more or less to the River St. Lawrence; then south-westerly along the water's edge to the place of beginning, reserving free access to the shore for all vessels, boats and persons; And whereas the said Municipal Corporation of the United Counties of Leeds and Grenville is now the owner of the above-mentioned lands and premises, to whom the said lands and premises are of no advantage or profit; And whereas it is therefore desirable that they should be disposed of by sale or otherwise by the said municipal corporation :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Power to sell  
lands in  
Johnstown.

1. The Corporation of the United Counties of Leeds and Grenville shall have the same power to sell or otherwise dispose of the lands and premises in the preamble described, or of any part or parcel thereof as any person has with regard to lands of which he is seized in fee simple absolute, but subject however to the reservations referred to, and contained in said Letters Patent as to free access to the shore or beach of the said premises for all vessels, boats and persons.

## CHAPTER 35.

### An Act to incorporate the Town of Harriston.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS the population of the Village of Harriston, in the County of Wellington is rapidly increasing; and whereas the inhabitants of the said village, at a public meeting held in the said village, passed a resolution in favour of incorporating



rating the said village as a town; and whereas the council of the said village have by their petition represented that the incorporation of the said village as a town, would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for carrying out improvements they are desirous of making, and that a portion of the Township of Minto should be included in the said town; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the thirtieth day of December next after the passing of this Act, the said Village of Harriston shall be, and is hereby constituted, a corporation or body politic under the name of "The Corporation of the Town of Harriston" and shall enjoy, and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws for the said Province. Town incorporated.

2. The said Town of Harriston shall comprise and consist of the present Village of Harriston, and of the south-halves of lots numbers eighty-two, eighty-three, eighty-eight and eighty-nine, in Concession C of the Township of Minto; the north-halves of lots numbers eighty-two, eighty-three, eighty-eight and eighty-nine, in Concession D of the said Township of Minto; the north-half of lot number eighty-six, in said Concession C, and the north-half of lot number eighty-five in said Concession C, save and except a portion of the said north-half of lot number eighty-five in Concession C, eight rods in width throughout, and running the whole length of the said north-half adjoining to and parallel with the road allowance between said lots numbers eighty-five and eighty-six in Concession C. Limits of Town

3. The said town shall be divided into five wards to be called respectively, Ward Number One, Ward Number Two, Ward Number Three, Ward Number Four, and Ward Number Five; which said several wards shall be respectively composed and bounded as follows:— Wards.

#### *Ward No 1.*

Ward number one shall be composed of that part of the town which is butted and bounded as follows, viz: Commencing at the intersection of the northerly limit of Elora street with the easterly limit of Maitland street, thence easterly along said limit of Elora street to the south-easterly angle of lot number eighty-nine, concession C.; thence northerly along the division line between lots eighty-nine and ninety, to the division line between the north and south halves of said lot number eighty-nine; thence westerly along the division line between the north and south halves of lots eighty-nine, eighty-eight, and eighty-seven in said concession C., to the division line between lots Ward No. 1.  
eighty-six

eighty-six and eighty-seven; thence northerly along said division line to the northerly limit of said lot eighty-six; thence westerly along said limit of lot eighty-six, thirteen chains more or less to the easterly limit of Maitland street produced; thence southerly along said limit of street produced to the northerly limit of Elora street, and place of beginning.

*Ward No. 2.*

**Ward No. 2.** Ward number two shall be composed of that part of the town which is butted and bounded as follows, viz: Commencing at the intersection of the southerly limit of Elora street with the easterly limit of Young street; thence easterly along the southerly limit of Elora street to the north-easterly angle of lot number eighty-nine in concession D.; thence southerly along the division line between lots number eighty-nine and ninety, to the division line between the north and south halves of said lot eighty-nine; thence westerly along the division line between the north and south halves of lots eighty-nine, eighty-eight and eighty-seven to the easterly limit of Young street; thence northerly along said limit of Young street to the southerly limit of Elora street and place of beginning.

*Ward No. 3.*

**Ward No. 3.** Ward number three shall be composed of that part of the town which is butted and bounded as follows, viz: Commencing at the intersection of the westerly limit of Young street with the southerly limit of Elora street; thence westerly along said limit of Elora street to the north-westerly angle of tannery property; thence southerly along the westerly limit of tannery property to the north bank of the River Maitland; thence southerly to the intersection of the south bank of said River Maitland, with the division line between town lots numbers four and five on the north side of Mill street; thence southerly along said division line to the northerly limit of Mill street; thence southerly to the intersection of the southerly limit of Mill street with the easterly limit of Brock street; thence southerly along said limit of Brock street and produced to the southerly limit of lot number eighty-six, concession D; thence easterly along said southerly limit of lot eighty-six to the south-easterly angle of said lot eighty-six; thence northerly along the division line between lots eighty-six and eighty-seven to the southerly limit of Elora street and place of beginning.

*Ward No. 4.*

**Ward No. 4.** Ward number four shall be composed of that part of the town which is butted and bounded as follows, viz: Commencing at the north-westerly angle of lot number eighty-two, concession D; thence easterly along southerly limit of Elora street to the westerly limit of Arthur street; thence southerly  
along

along said limit of Arthur street to a point in a line with the southerly limit of Mill street produced; thence north-easterly along said line and limit of Mill street to the westerly limit of Brock street; thence southerly along said limit of Brock street, and produced to the southerly limit of lot eighty-six, concession D; thence westerly along the southerly limit of lot eighty-six and lot eighty-five to the south-westerly angle of said lot eighty-five; thence northerly along the division line between lots eighty-four and eighty-five to the division line between the north and south halves of said lot eighty-four; thence westerly along the division line between the north and south halves of lots eighty-four, eighty-three and eighty-two to the westerly limit of said lot eighty-two; thence northerly along said limit of lot to the place of beginning.

*Ward No. 5.*

Ward number five shall be composed of that part of the town which is butted and bounded as follows, viz: Commencing at the south-westerly angle of lot number eighty-two in concession C; thence northerly along the division line between lots numbers eighty-one and eighty-two in said concession C, to the division line between the north and south halves of said lot number eighty-two; thence easterly along the division line between the north and south halves of lots numbers eighty-two, eighty-three and eighty-four to the division line between lots numbers eighty-four and eighty-five; thence northerly along the division line between lots numbers eighty-four and eighty-five to the northerly limit of said lot number eighty-five; thence easterly along said northerly limit to a point situate at the distance of two chains westerly from the north-easterly angle of said lot number eighty-five; thence southerly parallel to the easterly limit of aforesaid lot, to the division line between the north and south halves of said lot number eighty-five; thence easterly parallel with the southerly limit of said lot, two chains to the easterly limit of Arthur street; thence northerly along said limit of Arthur street, to the north-westerly angle of lot number eighty-six in said concession C; thence easterly along the northerly limit of said lot number eighty-six, six chains to the westerly limit of Maitland street produced northwards; thence southerly along said limit of street so produced, to the northerly limit of Elora street; thence south-westerly in a straight line to the north-westerly angle of tannery site; thence southerly along the westerly limit of said tannery site to the north bank of the River Maitland; thence southerly in a straight line to the intersection of the division line between town lots numbers four and five on the north side of Mill street with the south bank of said River Maitland; thence southerly along the division line between said lots numbers four and five on the north side of Mill street, to the northerly limit of Mill street; thence westerly along said limit of Mill street to its intersection with the easterly limit of Arthur street;



street; thence northerly along said limit of Arthur street to the northerly limit of Elora street; thence westerly along said limit of Elora street to the south-westerly angle of lot number eighty-two, concession C, the place of beginning.

Nomination  
for first  
election.

4. On the said thirtieth day of December next after the passing of this Act, it shall be lawful for Robert Haig, or the village clerk for the time being, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors, at the town hall in the said Town of Harriston, at the hour of noon: and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week, in the week next following the said nomination; and the returning officer, or chairman, shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

Deputy-  
returning  
officers:

5. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards, into which the said town is divided; and such returning officer and each of such deputy-returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers, and perform all the duties devolving on town clerks, with respect to municipal elections in towns.

Oaths.

Powers of  
returning  
officers.

Copy of last  
revised assess-  
ment roll to be  
furnished.

6. The Clerk of the said Township of Minto, or any other proper officer thereof shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer, or chairman, with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collectors' roll, document, statement, writing or deed, that may be required for that purpose; and the said returning-officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council.

7. The council of the said town to be elected in manner aforesaid shall consist of a mayor, who shall be the head thereof, a reeve and ten councillors, two councillors being elected for each ward; and they shall be organized as a council

on

on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario; and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Elections.

Powers and liabilities.

8. The several persons who shall be elected or appointed under this Act, shall take declarations of office and qualifications now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Oath of office and of qualification.

9. At the first election of mayor, reeve and councillors for the said Town of Harriston, the qualification of electors and that of officers required to qualify, shall be the same as that required in villages by the municipal laws of Ontario.

Qualifications.

10. The expenses incurred to obtain this Act and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

Expenses of Act.

11. All by-laws and municipal regulations which are in force in the Village of Harriston, shall continue and be in force as if they had been passed by the Corporation of the Town of Harriston, and shall extend to and have full effect within the limits of the town hereby incorporated.

By-laws of village continued.

12. The property, assets, debts, liabilities and obligations of the Village of Harriston shall belong to and be assumed and paid by the Corporation of the Town of Harriston.

Property of Town and liabilities.

13. All officers of the said Village of Harriston shall continue to act and have power as such, until the Council of the Town of Harriston shall have organized as and in the manner provided by section seven of this Act.

Officers of Village to act.

## CHAPTER 36.

## An Act to legalize By-law No. 221, of the County of Oxford.

[Assented to 7th March, 1878.]

## Preamble.

WHEREAS the Council of the County of Oxford, on the fourth day of January, one thousand eight hundred and seventy-eight, passed a by-law numbered two hundred and twenty-one, which by-law is hereinafter set forth in Schedule "A" to this Act, to revise and equalize the assessment rolls of the several Municipalities in the County of Oxford for the year one thousand eight hundred and seventy-seven, so that the same so revised and equalized might form the basis upon which the county rate for the year one thousand eight hundred and seventy-eight should be apportioned; And whereas doubts have arisen whether the said equalization was made in proper time, and it is expedient to remove such doubts and to confirm said by-law and the equalization of the assessment rolls made thereby;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 221  
County of Ox-  
ford legalized.

1. The said by-law numbered two hundred and twenty-one, and the equalization of the assessment rolls of the said County of Oxford for the year one thousand eight hundred and seventy-seven thereby made is hereby declared from the passing thereof, to have been and to be and continue legal and valid, any law or statute to the contrary notwithstanding.

## SCHEDULE "A."

## BY-LAW No. 221.

By-law of the Municipal Council of the County of Oxford to revise and equalize the assessment rolls of the several Municipalities of the County of Oxford, for the year 1877, so that the same, so revised and equalized, may form the basis upon which the County rate for the year 1878 shall be apportioned.

Whereas, it is expedient and necessary to revise and equalize the several Assessment Rolls of the several Municipalities in the County of Oxford, for the year 1877, so that such rolls, when finally revised and equalized, may form the basis upon which the county rate for the year 1878 shall be apportioned, and whereas, the assessment rolls of the County of Oxford, for the year 1876, have been examined and compared with the assessment rolls for the year 1877, in accordance with the provisions contained in the Assessment Act of 1869.

Now,



Now, therefore, the Municipal Council of the County of Oxford enacts, that the assessment rolls of the several Municipalities in the County of Oxford, for the year 1877, be, and the same are hereby revised and equalized at the several sums set on the right hand, opposite the names of the said several Municipalities in the County of Oxford, and that such revised and equalized rolls shall form the basis upon which the county rate for the year 1878 shall be apportioned amongst the said several Municipalities respectively.

<i>Name of Municipality.</i>	<i>Amount as Equalized.</i>
Town of Woodstock .....	\$1,032,638
Town of Ingersoll .....	825,948
Town of Tilsonburg .....	321,362
Village of Norwich .....	171,799
Village of Embro .....	88,624
Township of Blandford .....	1,271,626
Township of Blenheim .....	2,934,526
Township of Dereham .....	2,970,271
Township of East Nissouri .....	2,171,200
Township of North Norwich .....	1,581,761
Township of South Norwich .....	1,430,377
Township of North Oxford .....	963,926
Township of East Oxford .....	1,611,758
Township of West Oxford .....	1,169,615
Township of East Zorra .....	2,679,746
Township of West Zorra .....	2,573,268

THOMAS ROBINSON,  
Warden.

Read a third time, and passed 4th January, 1878.

DAVID WHITE, County Clerk.

## CHAPTER 37.

### An Act to Consolidate the Debenture Debt of the City of Ottawa.

[Assented to 7th March, 1878.]

**W**HEREAS the Corporation of the City of Ottawa have Preamble.  
by their petition represented that it would be conducive to the welfare and interests of the said city, as well as greatly facilitate their financial arrangements to place the Debenture Debt of the City of Ottawa on a more satisfactory basis, both as to the payment thereof and otherwise; and whereas the debt of the city on the thirty-first day of December, one thousand eight hundred and seventy-seven, as represented

sented by Debentures then outstanding and in course of negotiation, for purposes which had theretofore received the sanction of the ratepayers, is two millions one hundred thousand three hundred and seventeen dollars and thirty-three cents, which said sum becomes due and is payable as follows :—

In the year 1883.....	\$97,333 33
“ 1888.....	97,333 33
“ 1891.....	35,000 00
“ 1893.....	681,333 34
“ 1895.....	301,733 33
“ 1896.....	130,000 00
“ 1898.....	97,333 33
“ 1903.....	110,570 67
“ 1904.....	449,680 00
“ 1907.....	100,000 00

Making a total of..... \$2,100,317 33

And whereas it is desirable to issue, sell, or dispose of new Debentures to the amount of two millions one hundred thousand three hundred and seventeen dollars and thirty-three cents, to enable them to redeem the aforesaid Debentures which are now outstanding or in course of negotiation ; and whereas it is also desirable that the Corporation should be empowered to establish a Sinking Fund, to be called “General Sinking Fund,” upon the terms in this Act contained for the redemption of such new Debentures, and to apply the present Sinking Funds as hereinafter stated ; And whereas it is expedient so to grant, but upon the terms and with the safeguards hereinafter in this Act contained ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law for  
issue of  
debentures.

1. The Corporation of the City of Ottawa may from time to time pass a by-law or by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of new Debentures of the said city to an amount not exceeding in the aggregate the sum of two millions one hundred thousand three hundred and seventeen dollars and thirty-three cents, for raising by way of loan upon the credit of such new Debentures from any person or persons, body or bodies, politic or corporate, either in Canada, Great Britain, or the United States of America, or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole the sum of two millions one hundred thousand three hundred and seventeen dollars and thirty-three cents of lawful money of Canada, to redeem the Debentures firstly in the preamble to this Act mentioned.

Debentures  
now issuable.

2. The new Debentures to be so issued shall be Debentures of the City of Ottawa, and such of the said new Debentures

as may be required to be issued from time to time in order to redeem Debentures falling due, may be issued in the year preceding the maturity of the said last mentioned Debentures ; and the said new Debentures shall be payable within twenty-one years from the day of the date of the respective issues thereof at any place in Canada, Great Britain, the United States of America or elsewhere, and may be expressed in sterling money of Great Britain, or currency of Canada, and such Debentures shall be in sums of not less than one hundred dollars Canadian Currency, or twenty pounds sterling.

3. The said new Debentures shall be under the common seal of the said city, and signed by the Mayor, and countersigned by the Treasurer of the said city, and may be in the form "A" in the schedule to this Act, or as near thereto as the Corporation may find convenient, according to the places where and the money in which the same are made payable. Form of debentures.

4. Coupons shall be attached to the said new Debentures for the payment of the interest thereon; and such interest shall be payable half-yearly in each and every year at the places and on the days mentioned therein and the coupons attached thereto ; and such new Debentures may bear interest at such rates as the Municipal Council of the said city at the date of the issue thereof may decide upon. Coupons:

5. The said new Debentures, and any and all moneys arising therefrom, shall be applied by the said Corporation in the redemption of the Debentures of the City of Ottawa, firstly mentioned in the preamble to this Act, and in no other manner, and for no other purpose whatsoever. Application of debentures.

6. For the payment of the interest on the said new Debentures there shall be annually raised, levied and collected by the said Corporation upon the whole of the then ratable or assessable property of the said city, a rate of so much in the dollar as shall be required to discharge in each year the interest on all existing Debentures issued under the authority of this Act, until the said last mentioned Debentures shall have been fully paid and satisfied : Provided always, that if any of such new Debentures shall be purchased and redeemed by the said Corporation before the maturity thereof out of moneys at the credit of the General Sinking Fund Account created by this Act, then the interest thereon shall continue to be raised and dealt with as provided in the ninth section of this Act. Interest, rate therefor.

7. From and after the first day of January one thousand eight hundred and seventy-eight until the first day of January one thousand nine hundred and twenty-eight inclusive, the said Corporation shall in addition to the rate and all moneys required to be raised, levied and collected under the sixth section of this Act, provide, raise and levy upon, and from the whole of the Sinking Fund.



the then ratable property of said city, the yearly sum of eleven thousand seven hundred dollars until the new Debentures issued under the authority of this Act are fully paid and satisfied as and towards a General Sinking Fund for the purpose of paying the principal of the said new Debentures, and shall impose a sufficient rate or rates for that purpose, in addition to the other rate or rates from time to time imposed under this Act.

Former Sinking Fund.

8. The said Corporation shall have power to carry the present Sinking Fund Accounts of the Debentures firstly in the preamble to this Act mentioned, now amounting in the aggregate to the sum of one hundred and thirty thousand dollars, to the credit of the General Sinking Fund Account established by this Act, for the redemption of the principal of the new Debentures to be issued hereunder.

Redemption of debentures.

9. The said Corporation shall have power to invest any moneys standing at the credit of the General Sinking Fund created under this Act, in the purchase and redemption of the Debentures issued under the authority of this Act, at any time previous to the maturity of the said last mentioned Debentures, provided always, that in every such case the said Corporation shall continue to levy and provide as aforesaid from year to year such sum as would have been necessary to meet and pay the interest on the said last mentioned Debentures in the same manner precisely as if such Debentures had not been so purchased or redeemed; and the said Corporation at any time before the maturity of the existing Debentures of the said Corporation now outstanding, and in the preamble to this Act mentioned, shall have power to invest any moneys standing at the credit of the General Sinking Fund Account created by this Act in the purchase and redemption of the said now existing Debentures; and the said Corporation shall also apply, as far as possible, all moneys standing from time to time at the credit of the General Sinking Fund, created under this Act in the payment and satisfaction at maturity of the said existing Debentures of the said Corporation now outstanding and unmatured: provided moreover, that the said Corporation shall levy and collect as aforesaid in each year, after such purchase and redemption of the said Debentures firstly in the preamble to this Act mentioned, whether the same may have been purchased and redeemed before or at the maturity thereof, a sum equal to the annual interest previously paid on the said now existing Debentures so purchased and redeemed, until the time that new Debentures authorized to be issued under this Act, would have matured had such new Debentures been issued for the purpose of paying the said existing Debentures so purchased with General Sinking Fund moneys as aforesaid; and all interest moneys so raised under this section shall be immediately placed at the credit of the General Sinking Fund Account, created under the authority of this Act; and no moneys of the General Sinking Fund

Fund created under this Act shall be invested in securities other than the said Debentures hereinbefore mentioned, without the sanction of the Lieutenant-Governor in Council.

**10.** The said General Sinking Fund rate or annual sum of eleven thousand seven hundred dollars, and the said interest moneys required to be raised, levied and collected in and by the ninth section of this Act, shall be placed at the credit of an account to be called the "General Sinking Fund Account," and the moneys hereby required to be levied to provide for the annual interest on the Debentures issued under the authority of this Act and outstanding from time to time, shall be placed at the credit of an account to be called "The Special Interest Account" by the Treasurer of the said city out of the first moneys paid to him in each year by the collector or collectors of taxes or by the taxpayers of the said city, after providing for the interest mentioned in the thirteenth section of this Act; and such General Sinking Fund Account or Special Interest Account moneys shall on no account be used or applied by the said Corporation or Treasurer for any other purpose than those authorized by this Act.

Disposal of sinking fund and interest.

General sinking fund account.

Special interest account.

**11.** The Corporation shall be bound to make good and provide in each year out of the general revenue of the said city for such year, the difference, if any, that will arise in such year between the interest that shall accrue on the invested General Sinking Funds and the interest which should accrue on such funds calculated at the rate of five per cent. per annum, and place the same at the credit of the said General Sinking Fund Account.

Deficiency to be made good out of rates.

**12** Notwithstanding the provisions of "The Municipal Institutions Act," it shall not, until the expiration of the year one thousand nine hundred and twenty-eight be lawful for the Council of the Municipal Corporation of the City of Ottawa, to assess, levy or collect in any one year, on the whole ratable property within said city a rate higher in the aggregate than one and a half cents on the dollar on the actual value thereof, exclusive of the school rates: Provided always that if in any year the whole sum collectable under a rate of one and a half cents on the dollar as aforesaid will not equal the amount of moneys required by the provisions of this Act to be provided, levied and collected in such year, then and in such case the said council shall in any such year assess, levy and collect as aforesaid, such further and higher rate as will suffice for and provide the same.

Rates limited to one cent and a half.

Proviso for higher rate.

**13.** From and after the first day of January, one thousand eight hundred and seventy-eight, it shall only be necessary under the by-laws of the said Corporation, or under the Special Acts of the Legislative Assembly of Ontario, under which the Debentures

Yearly levy of interest.

Debentures firstly in the preamble to this Act mentioned were severally issued, for the Corporation of the City of Ottawa to assess and levy in each year such rate or rates thereunder, and for the Water Works Commissioners of the City of Ottawa to reserve yearly from the revenues derived from the Water Works of the said city, for the construction of which a portion of the said Debentures were issued, such sum or sums as shall be sufficient respectively to discharge the interest which shall accrue due in such year upon all such of the Debentures firstly in the preamble to this Act mentioned as may still remain outstanding and unsatisfied.

Surplus revenues for Water Works.

**14.** Any surplus revenues derived from the supply of water by the Water Works of the said city, after providing for the interest on the Debentures issued to provide money for their construction as in the thirteenth section provided, and for the expenses attendant upon the maintenance of the said works, shall, to the amount of eleven thousand seven hundred dollars, being the amount of the Sinking Fund which the said Corporation is required annually to assess and levy under this Act, or in case the said surplus should be less than the said sum of eleven thousand seven hundred dollars, then to the whole amount of such surplus, be paid over, in the year in which such surplus shall accrue, to the Treasurer of the said city, and become a part of the general revenue of the said city, unless the said Corporation shall neglect to provide in any year the said General Sinking Fund Rate or sum of eleven thousand seven hundred dollars authorized to be annually levied under this Act, in which case and as often as the same shall occur, the said sum of eleven thousand seven hundred dollars of the said surplus Water Works revenue, or such less sum as the said surplus may mount to, shall be applied towards and placed at the credit of the said General Sinking Fund Account in the year in which such surplus shall accrue: provided always, that if there shall be in any year any surplus revenues derived from the supply of water as aforesaid, after making provisions for the payment of interest, costs of maintenance and the said sum of eleven thousand seven hundred dollars in manner aforesaid, then all such surplus shall be immediately placed at the credit and become a part of the General Sinking Fund authorized to be created under this Act, until all of the Debentures issued hereunder shall have been fully paid and satisfied.

Water Works revenue.

**15.** So soon as any of the Debentures firstly in the preamble to this Act mentioned which are issued for Water Works purposes shall be purchased by the said Corporation before or at maturity thereof under the ninth section of this Act, or shall be redeemed by renewal Debentures under this Act, or whenever such renewal Debentures shall be purchased before maturity under the said section, then the Water Works Commissioners of the said city, or the person or persons, body or bodies corporate or politic, in which their powers may from time to time hereafter



hereafter become vested, shall pay to the Treasurer of the said Corporation in each year a sum equal to the sum which the said Corporation are hereby required to levy and collect for interest on the said Water Works Debentures or their renewals, under the sixth and ninth sections of this Act, the intention of this section being that all interest on existing Debentures issued for Water Works purposes, or on their renewals, or on any such Water Works Debentures or renewal Debentures as may be redeemed with said General Sinking Fund moneys, under the authority of this Act, shall be paid and satisfied out of the revenue arising from the Water Works of the said city.

**16.** Any section or sections, or part or parts of sections in the Special Acts of the Legislative Assembly of Ontario, authorizing the construction of the Water Works of the City of Ottawa, inconsistent with the provisions of this Act are hereby repealed. Inconsistent sections of other Acts repealed.

**17.** The Municipal Corporation of the City of Ottawa shall have power at any time to place to the credit of the general sinking fund created under the authority of this Act, any surplus moneys belonging to the said Corporation, either in lieu of the special interest and sinking fund rates required to be levied and collected under this Act, in which case such special rates may be reduced to such rate or rates as shall be sufficient to raise the residue only of the amount required to be raised as interest and sinking fund under the authority of this Act, or as an addition to the general sinking fund, for the purpose of providing a further fund for the payment, before or at maturity of the debentures firstly in the preamble to this Act mentioned or of the debentures issued under the authority of this Act. Surplus moneys.

**18.** The rates authorized to be imposed hereunder shall, for the purposes of collection and otherwise, be construed to be imposed under the Municipal Acts and the Assessment Acts, and all the powers therein contained for the collection of a municipal rate or rates shall apply thereto. Rates how collectable.

**19.** The General Sinking Fund Account created under the authority of this Act, and all moneys required by the provisions of this Act to be placed at the credit of the said account by the Treasurer of the said Corporation, shall, unless or until such moneys shall be invested as hereinbefore provided, be kept and deposited from time to time, as the sums may be received by him, in the Ottawa Agency of the Quebec Bank, or in such other of the chartered Banks of the Dominion of Canada having an agency in the said City as the Lieutenant-Governor in Council shall direct, until required for the purpose of paying the said Debentures. Deposits in Banks.

**20.** All expenses attending the sale or negotiation of the Debentures issued under this Act, and all discounts thereon, Expenses on sale of debentures.  
if

if any, shall be paid out of the general revenue of the said city in the year succeeding such sale or negotiation.

By-law not to require assent of electors.

**21.** The By-law or By-laws of the said Corporation passed under the authority of this Act, shall not require to be submitted to or have the assent of the electors of the said city before the final passing thereof.

Irregularities not to invalidate debentures or by-laws.

**22.** No irregularity in the form of the said Debentures or of the By-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said Debentures and interest or any or either of them or any part thereof.

Rights of present debenture holders.

**23.** In case any holder of any of the debentures firstly in the preamble to this Act mentioned shall be at any time dissatisfied with the provisions of this Act, with respect to the General Sinking Fund, authorized to be created under this Act for the redemption at, or before the maturity thereof, of such debenture or debentures, or their renewal debentures, then the said corporation shall be bound, within six calendar months after notice in writing of the dissatisfaction of such holder left by him for the treasurer of the said corporation, at the place where such first mentioned debenture is payable, either to redeem the debenture or debentures specified in such notice as provided in the ninth section of this Act, if the said holder and the said corporation agree that said debenture or debentures shall be so redeemed, or in default thereof to take from the first moneys standing at the credit of the General Sinking Fund authorized to be created under the seventh and eighth sections of this Act, and place to the credit of the "Debenture Register Sinking Fund Account" authorised to be created under sub-section three of this section, a sum equal to the proportionate amount of the sinking fund which should remain at the credit of the debenture or debentures specified in such notice according to the terms of the by-law or by-laws of the said corporation, or of the special Act or Acts of the Legislative Assembly of Ontario, as the case may be, under the authority of which such debenture or debentures were severally issued, and thereafter to continue the levy and collection with respect to such debenture or debentures of a *pro rata* amount of the sinking fund originally named in such by-law or by-laws, or in such special Act or Acts; Provided always that such notice shall state the number, amount, date of issue, and name of holder or holders of each of the debentures specified in such notice, and shall be accompanied with a declaration setting forth that the person claiming to be the holder of such debenture or debentures is the *bona fide* holder thereof.

Redemption fund.

(2.) In case the said corporation shall agree to redeem any such debenture, as in this section provided, and the moneys at the

the credit of the General Sinking Fund authorized to be created under the seventh and eighth sections of this Act shall be insufficient for that purpose, then the said corporation shall have power, for the purpose of raising a redemption fund to pay off such debenture, to issue a special debenture or debentures to mature in the same year as that originally fixed for the maturity of the debenture or debentures to be redeemed as aforesaid, in which case such special debentures shall be considered as substituted for the debentures redeemed thereby, and shall be renewable at their maturity under the provisions of this Act to the same extent as the said debentures redeemed thereby would have been if not redeemed under this section.

(3.) In case, under the provisions of this section, it shall be necessary to continue the levy and collection as aforesaid of the proportionate amount of the original sinking fund, of any of the debentures firstly in the preamble to this Act mentioned, the treasurer of the said corporation shall enter the number, amount, date of issue, name of the holder or holders, amount of the annual sinking fund of such debenture or debentures, and the amount carried to the credit of such debenture or debentures under this section, in a book to be kept for that purpose, and to be styled a "Debenture Register," and all moneys of the Sinking Fund of such debenture or debentures last aforesaid, shall be an additional sinking fund to the General Sinking Fund authorized to be created under the seventh section of this Act, and shall be deposited at the bank or banks mentioned in the nineteenth section of this Act, to the credit of a separate sinking fund account, to be styled "Debenture Register Sinking Fund Account," and shall be used by the said corporation for no purpose whatever, other than the redemption at or before maturity of the particular debenture or debentures in respect of which such moneys are respectively deposited as aforesaid.

Debenture  
Register.

Debenture  
Register Sink-  
ing Fund  
Account.

**24.** It shall be the duty of the said corporation to leave at the place or places where the debentures firstly in the preamble to this Act mentioned are respectively payable, copies of this Act and printed notices directed to the holders of such debentures, and stating that copies of this Act are so left as aforesaid, and that the said corporation intends to avail itself of the provisions of this Act; and one of such notices, and (if demanded) a copy of this Act shall at every such place, and by, or on behalf of said corporation, be given to every person, who within twelve calendar months after the passing of this Act, lawfully presents himself at such place to receive payment of any interest due, or to come due upon any such debenture.

Copies of this  
Act to be left  
where debentures  
payable.



## SCHEDULE.

## FORM "A."

## CONSOLIDATED LOAN DEBENTURE.

No.

£ Stg.

Province of Ontario,  
City of Ottawa.

Under and by virtue of the Act passed in the forty-first year of the reign of Her Majesty, Queen Victoria, and chaptered , and by virtue of By-law No. , of the Corporation of the City of Ottawa, passed under the powers contained in the said Act,

The Corporation of the City of Ottawa promise to pay the bearer at , in the sum of pounds sterling, on the day of , A. D. , and the half-yearly coupons hereto attached, as the same shall severally become due.

[L. S.]

A. B.,  
*Mayor.*  
C. D.,  
*Treasurer*

## STATEMENT "B."

Showing in detail that the sum of \$11,700 collected each year from 1878 to 1927, is sufficient for a General Sinking Fund for the payment of the Debenture Debt, provided the Debentures as they become due are extended for a period of twenty years and the Sinking Fund invested so as to yield five per centum compounded yearly.

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1877—Nov. 1—Amount at present at credit of Sinking Fund .....	\$130,000
1903—May 1—Interest at 5 p. c. from Nov. 1st, 1877, to date.....	321,224
	<hr/> 451,224
1903—May 1—A yearly Sinking Fund of \$11,700 from May 1st, 1879, to May 1st, 1903, will amount to.....	520,673
	<hr/> 971 897
1903—May 1—First Ballot of Water Works Debentures fall due, £20,000 stg.....	97,334
	<hr/> \$874,563
	1908—

1908—May 1—Interest from May 1st, 1903, to date .....	\$241,554
	<hr/>
	1,116,117
“ May 1—Second Ballot of Water Works Debentures, £20,000 stg..	97,334
	<hr/>
	1,018,783
1911—Nov. 1—Interest from May 1st, 1908, to date .....	190,069
	<hr/>
	1,208,852
“ Nov. 1—Debenture 310 falls due for ....	35,000
	<hr/>
	1,173,852
1913—May 1—Interest from Nov. 1st, 1911, to date.....	89,506
	<hr/>
	1,263,358
1913—May 1—Third Ballot of Water Works Debentures, £20,000 stg..	97,334
	<hr/>
	1,166,024
“ Nov. 1—Interest from May 1st, 1913, to date .....	29,150
	<hr/>
	1,195,174
“ Nov. 1—Debenture 337 falls due.....	584,000
	<hr/>
	611,174
1915—May 1—Interest from Nov. 1st, 1913, to date.....	46,602
	<hr/>
	657,776
“ May 1—Debenture 371 falls due .....	301,734
	<hr/>
	356,042
1916—Nov. 1—Interest from May 1st, 1915, to date .....	27,148
	<hr/>
	383,190
“ Nov. 1—Debenture 398 falls due.....	130,000
	<hr/>
	253,190
1918— May 1—Interest from Nov. 1st, 1916, to date.....	19,306
	<hr/>
	272,496
1918—May 1—Fourth Ballot of Water Works De- bentures falls due, £20,000 stg.	\$97,334
	<hr/>
	\$175,162
	1923—

1923—May 1—Interest from May 1st, 1918, to date.....	\$48,379
	223,541
“ May 1—Balance of first issue of Water Works Debentures falls due, £22,720 stg.....	110,571
	112,970
1924—May 1—Interest from May 1st, 1923, to date.....	5,648
	118,618
1924—May 1—Sinking fund of \$11,700 from May 1st, 1904, to May 1st, 1924, amounts to.....	386,871
	505,489
“ May 1—Second issue of Water Works Debentures fall due.....	449,680
	55,809
1927—May 1—Interest from May 1st, 1924, to date.....	8,795
	64,604
“ May 1—Sinking Fund of \$11,700 from May 1st, 1925, to May 1st, 1927, amounts to.....	36,884
	101,488
“ May —Third issue of Water Works Debentures falls due .....	100,000
Balance.....	\$1,488

## CHAPTER 38.

### An Act relating to the Town of Peterborough.

[Assented to 7th March, 1878.]

Preamble,

WHEREAS the Corporation of the Town of Peterborough have, by their petition, prayed for an Act to confirm by-law number three hundred and sixty-one of the said corporation, providing for the application of the moneys payable by the Midland Railway Company towards the payment of the Municipal



Municipal Loan Fund Debentures of the said corporation, and by-law number three hundred and sixty four of the said corporation intituled "A by-law to raise the sum of four thousand dollars for the erection of a ward school in the Town of Peterborough and to authorize the issue of debentures for that purpose," and by-law numbered three hundred and seventy, intituled "A by-law for stopping up and selling a part of McDonell street, in the Town of Peterborough;" And whereas said Corporation by its petition has further represented that according to the report of the auditors of the Town of Peterborough for the year one thousand eight hundred and seventy-six, the Corporation of the said town was, on the first day of January, one thousand eight hundred and seventy-seven, indebted over and above the assets of the said Corporation, available for the payment thereof in the sum of twelve thousand nine hundred and eighty-seven dollars and thirty-five cents, or thereabouts, and that such indebtedness or deficit has not yet been paid off, but the same still remains as a charge upon the said Corporation; and that such indebtedness or deficit arose in large part from works of a permanent character, being undertaken by the said Corporation, and for which debentures of the said Corporation should have been issued, and it is just and expedient that debentures should now be issued for the same, and that an Act should be passed empowering the said Corporation to issue debentures therefor, and whereas it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number three hundred and sixty-one of the Corporation of the Town of Peterborough, passed on the third day of July, one thousand eight hundred and seventy-seven, intituled "A by-law to remove certain doubts as to the meaning of by-law number one hundred and eighty-three, intituled, 'A by-law for fixing the monthly and other payments from the lessees of the Peterborough Branch of the Port Hope, Lindsay and Beaverton Railway Company,'" passed the 30th day of May, 1865, and by-law number three hundred and sixty-four of the said corporation passed on the first day of September, one thousand eight hundred and seventy-seven, intituled, "A by-law to raise the sum of four thousand dollars for the erection of a ward school, in the Town of Peterborough, and to authorize the issue of debentures for that purpose," and all debentures issued under such last mentioned by-law, and by-law number three hundred and seventy of the said Corporation, passed on the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-eight, intituled, "A by-law for stopping up and selling part of McDonell street, in the Town of Peterborough," and a certain conveyance made under and pursuant to such last mentioned by-law, bearing date the eighteenth day of January, one thousand eight hundred and seventy-eight, between the Corporation

Certain by-laws and debentures confirmed.

Conveyance confirmed.

Corporation of the Town of Peterborough of the first part, and William Davidson of the said Town of Peterborough, of the second part, conveying to the said William Davidson, a part of McDonell street aforesaid, shall be and are hereby declared to be from the passing and execution thereof respectively to have been good, valid, legal, binding and effectual, any law, usage or custom to the contrary notwithstanding.

Application of  
moneys in  
by-law 361.

2. The moneys mentioned in said by-law number three hundred and sixty-one, shall be used and applied by the Commissioners of the Peterborough Town Trust to and for the purpose, and in the manner in said by-law directed and provided, and not otherwise.

Debenture  
may issue to  
amount of  
\$13,000.

3. Notwithstanding the provisions of the Act of the Parliament of the late Province of Canada passed in the twenty-fourth year of the reign of Her Majesty, and chaptered sixty-one, it shall and may be lawful for the Corporation of the Town of Peterborough, and the Commissioners of the Peterborough Town Trust to cause to be issued debentures to an extent not exceeding the sum of thirteen thousand dollars in all for the purpose of paying the outstanding indebtedness of the said corporation, appearing as a deficit on the first day of January, one thousand eight hundred and seventy-seven, according to the report of the auditors of the accounts of said corporation for the year one thousand eight hundred and seventy-six.

Debentures,  
how issuable.

4. The said debentures shall be issued in the manner and upon the security mentioned in the said recited Act and shall be redeemable in the manner provided by said Act for debentures issued thereunder.

Application of  
proceeds of  
debentures.

5. The proceeds of the said debentures shall be handed over by the said commissioners to the treasurer of the said town, and shall be applied by him in payment of the said indebtedness of the said corporation, and not otherwise.

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## CHAPTER 39.

An Act respecting the City of St. Catharines.

[Assented to 7th March, 1878.]

Preamble,

**W**HEREAS the Corporation of the City of St. Catharines by their petition have represented that an Act had been passed in the twentieth year of Her Majesty's reign, chaptered ninety-one, wherein power was given to the Town (now City) of

of St. Catharines to raise the sum of fifty thousand pounds for the construction of Water Works; and whereas, in pursuance of the said power, the said Water Works are nearly completed; and whereas in the month of July last, it was reported to the City Council of the said city by the Water Commissioners that all the funds raised by the sale of the Debentures, as authorized by the said Act, had been expended in the construction of the Water Works, but by reason of the growth of the said city, a larger main water pipe and many more miles of distribution pipe were required for the protection of the city from fire and for wholesome water for sanitary and domestic purposes, an application was made by the Water Commissioners to the City Council for an immediate loan to complete the Water Works during the summer season; and whereas the said City Council, in order to protect the property of the citizens in case of fire, deemed it expedient to grant, and did grant, out of the funds of the Corporation, forty-thousand dollars for such work, which was properly expended in such construction; and whereas the further liabilities of the said Water Works Commissioners, occasioned by such construction are thirty-five thousand dollars, and that good and wholesome water for sanitary and domestic purposes is now enjoyed by the ratepayers; and whereas the said Corporation have prayed that an Act may be passed to amend the said Act, and the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-seven, so as to abolish the said Water Works Commissioners, and to confer the powers now vested in them upon the Corporation of the City of St. Catharines; and whereas the said Corporation of the City of St. Catharines have also represented that in consequence of an indictment for a nuisance, as to their Public Buildings, found against them, they have entered into an agreement for the purchase of grounds for a market and public buildings for the sum of twenty-two thousand dollars, and have entered into possession thereof, and built a Lock-up House and Police Court thereon; and whereas the said Corporation have prayed that power should be given to the said Corporation of the said city to issue Debentures for the sum of seventy-five thousand dollars to pay the indebtedness already incurred for the completion of the said Water Works, and for the further sum of twenty-two thousand dollars for the payment of the said market grounds and Public Buildings; and whereas the said Corporation have also prayed that they may be enabled to raise a further sum for drainage purposes in the said City of St. Catharines;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the City of St. Catharines may, and they are hereby empowered to raise by loan upon the credit of the debentures of the said city, in addition to the sums already raised therein mentioned, a sum of not exceeding seventy-five

City may  
raise \$75,000 to  
complete  
Waterworks.



ty-five thousand dollars for the purpose of completing the Water Works already commenced in said city.

Transfer of  
Water Works  
to the Council.

**2.** The Council of the said Corporation may at any time by by-law declare that the powers, rights, privileges and duties of the Water Commissioners of the said City of St. Catharines shall on and from a day to be named therein cease, be determined and come to an end; and the powers, rights, privileges and duties of the said commissioners shall from the day so named for that purpose as aforesaid cease, be determined and come to an end, and thereafter the said Water Works shall be managed and controlled by the said Municipal Council, and the said Municipal Council shall be invested with all the powers, rights and privileges which are by the said hereinbefore recited Acts conferred upon, vested in or enjoyed by the said commissioners and be charged with all the duties which are thereby imposed upon them; Provided always that such by-law shall not come into operation or take effect unless and until the assent of the like ratepayers of the said City of St. Catharines as were entitled to vote on the by-law to authorize the construction of the said Water Works shall have first been obtained thereto by a vote taken thereon in the manner provided by the Municipal Act for taking a vote on a by-law requiring the assent of the electors, or unless and until the assent of the said Water Commissioners shall have been given in a By-law or resolution of the said Commissioners, duly passed by them and filed in the office of the City Clerk of the said Corporation.

Assent requir-  
ed.

Power of the  
Corporation  
to dispose of  
property.

**3.** The Corporation of the said City of St. Catharines may dispose of any real or personal property or water privileges acquired by reason of the construction of the said Water Works but not required for water-works purposes, when no longer required, and until sold, demise and lease the same.

City may  
raise \$22,000  
for market  
purposes.

**4.** It shall and may be lawful for the Corporation of the said City of St. Catharines to raise by way of loan upon the credit of the debentures of the said city, the sum of twenty-two thousand dollars for the purpose of purchasing additional ground for market purposes and the erection of public buildings thereon.

City may  
raise \$50,000  
for drainage  
purposes.

**5.** It shall and may be lawful for the Corporation of the City of St. Catharines to raise from time to time by way of loan upon the credit of the debentures of the said city, such sums as may be desired, not exceeding in the aggregate the sum of fifty thousand dollars, to be expended by the said Corporation of the City of St. Catharines, for drainage works in the said city and for no other purpose; Provided no such loan for drainage shall be raised except after the passage of a by-law for the purpose of such loan for drainage and the adoption of such by-law by the ratepayers as provided in the Municipal Act for the creation of debts.

## CHAPTER

An Act respecting the Townships of Tilbury East,  
Raleigh and Romney.*[Assented to 7th March, 1878.]*

WHEREAS the Municipal Corporation of the Township of Preamble.  
Tilbury East, in the County of Kent, have by their petition represented that in the year of our Lord one thousand eight hundred and seventy-five, the Government of Ontario completed certain drainage works in the said Township of Tilbury East, under the provisions of "The Ontario Drainage Act of 1873"; that in the year thereafter an assessment was made on certain lands and roads belonging to the said Township of Tilbury East, and to the adjoining Townships of Raleigh and Romney, and on certain roads belonging to the County of Kent, and that an attested copy of an assessment roll setting forth such assessment was deposited with the clerk of the said Corporation of the Township of Tilbury East pursuant to the provisions of the said Act; that the Corporations of the Township of Raleigh and of the County of Kent submitted to the said assessment, but that the Corporation of the Township of Romney appealed from that portion thereof affecting the said Township of Romney; that Stephen White, Robert J. Morrison and Henry Smyth, the arbitrators appointed in the matter of the said appeal failed to make an award as required by the twenty-third section of the said Act; that the said Corporation of the Township of Tilbury East thereupon advertised the said assessment roll, held a Court of Revision, deposited duplicates of the said assessment roll as finally amended by the county judge with the commissioner of public works and with the registrar of the County of Kent, and finally, on the twentieth day of April, in the year of our Lord one thousand eight hundred and seventy-seven passed a by-law to provide for the collection of the sums mentioned in the said assessment roll as being payable in respect of lands and roads in the said Township of Tilbury East in manner directed by the said Act, but without any award having first been made; that thereafter with the consent of the Municipal Corporation of the Townships of Tilbury East and Romney aforesaid, the said arbitrators met in the Town of Chatham and heard and determined the matter in dispute between the said corporations, and made an award therein under the hands and seals of the aforesaid Robert J. Morrison and Henry Smyth (being a majority of the said arbitrators), on the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and seventy-seven, confirming the said assessment as between the said Townships of Tilbury East and Romney; and whereas the said petitioners have prayed for an Act to confirm and legalize the said assessment on the several lots and parcels of land and roads,

roads, and on the Canada Southern Railway in the said Townships of Tilbury East and Raleigh, and on roads belonging to the said County of Kent mentioned in the said assessment roll, and as therein set forth also to confirm and make legal the said award, confirming the said assessment as between the said Township of Romney and the said Township of Tilbury East, made as aforesaid by a majority of the aforesaid arbitrators and to confirm and make legal the said by-law of the Corporation of the Township of Tilbury East, the same being intituled "By-law No. five of the year of our Lord one thousand eight hundred and seventy-seven, to provide for collecting the sums of money chargeable against the several lots and parcels of land and roads in the Township of Tilbury East, an account of drainage works undertaken and completed by the Government of Ontario on the application of the Council of the Municipality of the said Township of Tilbury East," and passed on the twentieth day of April, in the year of our Lord one thousand eight hundred and seventy-seven; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Assessment  
roll valid.

1. The said assessment roll as finally revised so far as the same relates to the aforesaid Municipalities of the Township of Tilbury East, of the Township of Raleigh and of the County of Kent, notwithstanding any defect, error, omission or other illegality connected with the manner or time of making, or revising the same, and notwithstanding that the Court of Revision for revising that portion thereof relating to the said Municipality of Tilbury East was held prior to the making of the said award, and notwithstanding that the said assessment roll was not published and revised as required by the said Act, after the making of the said award, shall be as valid and subsisting, and shall in all respects and for all purposes be the same as if the requirements of the said Act had in all respects been fully complied with.

Award valid.

2. The said award made by the aforesaid Robert J. Morrison and Henry Smyth, shall, notwithstanding any irregularity, illegality or defect in the time or manner of appointing the aforesaid arbitrators or any of them, or that one or more of the said arbitrators was disqualified by law for acting as such arbitrator, and notwithstanding any other illegality as regards the time or manner of making the same, or in any way connected therewith, shall be binding on the said Municipalities of Tilbury East and Romney.

By-law No. 5  
of Tilbury  
East, valid.

3. The aforesaid By-law number five of the said Municipal Corporation of the Township of Tilbury East is hereby confirmed and made legal, any law to the contrary notwithstanding.



## CHAPTER 41.

## An Act respecting the City of Toronto, and Toronto Water Works.

[Assented to 7th March, 1878.]

**W**HEREAS the Council of the Corporation of the City of Toronto have petitioned the Legislature for such enactments as will remove all doubts respecting the powers and duties, rights and privileges of the said Corporation as respects the control and management of the Toronto Water Works, under a committee of the council to be annually appointed : And whereas it is expedient to grant the prayer of their petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** All the powers and duties, rights and privileges conferred upon, vested in and enjoyed, and exercised by the Water Works Commission for the City of Toronto, by and under the several Statutes passed by the Legislature of the Province of Ontario in that behalf, namely : the Act passed in the thirty-fifth year of the reign of Her Majesty, chaptered seventy-nine, and intituled “An Act to authorize the Corporation of the City of Toronto, to construct Water Works in the City of Toronto,” the Act passed in the thirty-seventh year of Her Majesty’s reign, chaptered seventy-five, intituled “An Act to amend the Act passed in the thirty-fifth year of Her Majesty’s reign, chaptered seventy-nine, intituled “An Act to authorize the Corporation of the City of Toronto to construct Water Works in the City of Toronto,” the Act passed in the thirty-ninth year of the reign of Her Majesty, chaptered sixty-four, and intituled “An Act to amend the Acts relating to the Toronto Water Works,” and the Act passed in the fortieth year of the reign of Her Majesty, chaptered thirty-nine, and intituled “An Act respecting the City of Toronto, The Toronto Water Works, and other matters,” are to be deemed and taken, as having become vested in the Corporation of the City of Toronto, on the thirty-first day of December, one thousand eight hundred and seventy-seven, when the Water Works Commission for the City of Toronto, and the powers and duties thereof, under the provisions of the said Acts were determined, and ceased, leaving the Toronto Works to be controlled and managed by a committee appointed by the Council of the Corporation of the City of Toronto, from their own members.

Powers of the Water Works Commission vested in the City Corporation.

**2.** All the said acts of the said Corporation of the City of Toronto, and of the committee so appointed to manage the said Water Works, so far as consistent with the provisions of the above mentioned statutes done by them or either of them, since

Confirmation of acts done by the City and committee.

since the said thirty-first day of December, one thousand eight hundred and seventy-seven, in connection with the control and management of the said Toronto Water Works are hereby confirmed.

Corporation  
to have the  
powers of the  
Water Works  
Commission.

3. From and after the date of the passing of this Act, the said Corporation of the City of Toronto, shall have, hold, use, exercise and enjoy all the powers and duties, rights and privileges, had, held and used, enjoyed and exercised by the "Water Works Commission for the City of Toronto," under the provisions of the several statutes above mentioned, prior to the thirty-first day of December, one thousand eight hundred and seventy-seven, and hereafter in the reading and application of the said several statutes, "The Council of the Corporation of the City of Toronto," or "Council," or "Corporation," shall and may be substituted for the words, "The Water Works Commission for the City of Toronto," "Water Commissioners," "Commissioners" and "Commission" where and whenever it may be necessary to carry out the intention of this Act."

Taking water  
not to dis-  
qualify for the  
council.

4. No person shall be held to be disqualified from being elected or sitting as a member of the Council of the Corporation of the City of Toronto, by reason of his taking or using the water supplied by the Toronto Water Works, or by reason of his having any contract with the Corporation of the City of Toronto, in respect of such taking or using.

## CHAPTER 42.

### An Act to incorporate the Arthur Junction Railway Company.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey, and Frederick Jasper Chadwick have represented that the construction of a railway, from some point on the line of the Wellington, Grey and Bruce, Railway, in the Township of Peel, in the County of Wellington, to the Village of Arthur, in said county, has become desirable for the purpose of developing certain portions of the County of Wellington, and for the public benefit and accommodation of the inhabitants thereof: And whereas the said Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey, and Frederick Jasper Chadwick, have petitioned that an Act may pass to construct the aforesaid railway: And whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey and Frederick Jasper Chadwick, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said Company hereby incorporated, shall become and are hereby declared to be a body corporate and politic by the name of "The Arthur Junction Railway Company."

2. The several clauses of the Railway Act of Ontario, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "dividends," "shares and their transfer," "shareholders," "powers of municipalities," "by-laws, notices, &c.," "working of the railway" "actions for indemnities and fines, and penalties, and their prosecution," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression, "this Act" when used herein shall be understood to include the clauses of the said Railway Act of Ontario, so incorporated with this Act.

3. The Company hereby incorporated, and their agents or servants shall have full power and authority under this Act, to construct a railway from some point on the line of the Wellington, Grey and Bruce Railway, in the Township of Peel, in the County of Wellington, to the Village of Arthur, in said County.

4. The said Company may construct depots, stations, warehouses, elevators, workshops, offices and other buildings, and works at or near any one of the several points on the line of railway hereby authorized; and it shall be lawful for the said Company to take and appropriate for the use of their said railway, and the works connected therewith, so much of the land as may be necessary for the works of the said railway, but not to alienate the same save as is hereinafter mentioned.

5. The said railway shall be of the gauge of four feet and eight and one-half inches.

6. The capital of the Company hereby incorporated shall be ten thousand dollars with power to increase the same in manner provided by the Railway Act, to be divided into two hundred shares of fifty dollars each, and shall be raised by the persons and corporations which may become shareholders in such Company, and the money so raised shall be applied in the first place to the payment of the expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected



connected with the works hereby authorized and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Provisional  
directors.

7. Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey and Frederick Jasper Chadwick shall be, and are hereby constituted a Board of Provisional Directors of the said Company, three of whom shall be a quorum with power to fill vacancies therein ; to open stock books and procure subscriptions for the undertaking ; to make calls on the subscribers ; to cause surveys and plans to be executed ; and to call a general meeting of the shareholders for the election of Directors as hereinafter provided, and with all such powers as under the Railway Act or any other law in force in Ontario are vested in such Boards ; and the said Provisional Directors, or a majority of them, may in their discretion exclude any person from subscribing who, in their judgment, would hinder or delay the Company in proceeding with their undertaking under the provisions of this Act.

Election of  
directors.

8. When, and so soon as shares to the amount of two thousand dollars of the capital stock of the Company shall have been subscribed, and ten per centum thereof shall have been paid into one of the Chartered Banks of the Dominion, the Provisional Directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing Directors, giving at least two weeks notice in a paper published in the Village of Arthur and in the *Ontario Gazette*, of the time, place and object of such general meeting, and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid the ten per cent. on the stock subscribed by them, shall elect three persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors together with ex-officio directors under this Act shall constitute a board of directors, and shall hold office until the thirtieth day of June in the year following their election.

Municipal  
directors.

9. When and so soon as any municipality shall grant a bonus to aid the said Company as hereinafter mentioned, and during the construction of the railway, the reeve, or other head of such municipality, shall be ex-officio a director of the said Company ; provided always, that upon the completion of the said railway, and upon an arrangement being made with any other company for the working and running thereof, as hereinafter provided, such reeve, or other head of such municipality, shall cease to be a director of the company hereby incorporated.

Quorum of  
directors.

10. At all meetings of the board of directors, other than provisional directors or those appointed as hereinbefore provided,

a majority of the board shall form a quorum for the transaction of business, and the said board of directors may employ one of **Paid directors.** their number as paid director.

**11.** The directors for the time being may from time to time **Calls.** make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice of each call shall be given as provided in section seven. The sums so paid shall not be withdrawn from the Bank except for the purposes of this Act.

**12.** It shall be lawful for the provisional or elected directors **Stock may be** to accept payment in full for stock from any subscriber thereof **paid in full.** at the time of subscription or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

**13.** The directors may make or issue stock as paid up stock **Payments may** and may pay or agree to pay in such or any paid up stock such **be made in** sums as they deem expedient to engineers or contractors or for **paid up stock.** right of way, or material, plant, or rolling stock, building or lands, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, works, plant, rolling stock, buildings or lands, whether such promoters or other persons be provisional directors or not.

**14.** The general annual meeting of the shareholders of the **Annual meet-** said company shall be held at such place, and on such days and **ings.** at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette* and once a week for two weeks in one newspaper published at the said Village of Arthur, if such there be.

**15.** Special general meetings of the shareholders of the said **Special meet-** company may be held at such places, times, and in such manner **ings.** and for such purposes as may be provided by the by-laws of the said company.

**16.** In the election of directors under this Act no person **Qualification** shall be elected a director unless he shall be the holder and **of Directors.** owner of at least five shares of the stock of the said company upon which all calls have been paid.

**17.** Aliens and companies incorporated abroad, as well as **Aliens may be** British subjects and corporations, may be shareholders in the **shareholders.** said

said company, and all such shareholders whether resident in this province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company, and the shares held by such other companies may be held by trustees for them who shall have and may exercise all the powers, privileges and rights of ordinary shareholders.

Quorum of provisional directors.

**18.** At all meetings of the board of provisional directors four members shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.

Company may receive aid from Government, &c.

**19.** The said company may receive from any Government or from any persons or bodies corporate, municipal or politic, that may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway.

Municipalities may exempt company from taxation.

**20.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law especially passed for that purpose to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient not exceeding ten years.

Aid to railway from municipalities.

**21.** And it shall further be lawful for any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company by loaning, or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always that when said bonds or debentures are granted by a portion of a township municipality the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of such by-laws by the rate-payers as provided in the Municipal Act for the creation of debts.

Petitions for aid by county municipality.

**22.** In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act.



**23.** In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expresses the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality;

Petitions for aid by other than county municipalities.

(1.) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments, and interest, said interest to be payable yearly or half yearly.

**24.** And in case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

Passing by-law by the councils.

**25.** And within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Issuing the municipal debentures.

Rate to be levied only on portion of township granting aid.

**26.** In case any bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the township municipality.

Certain provisions of the Municipal Act to apply.

**27.** The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Rate not to exceed 3 cents in the \$.

**28.** All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes exclusive of school rates than three cents on the dollar of the ratable property affected thereby shall be valid.

Extension of time by municipalities for completion of works.

**29.** It shall and may be lawful for the Council of any municipality that may grant or has granted a bonus to the company or the undertaking, and they shall have full power to extend the time, for completion of the works, on the completion of which the said company would be entitled to such bonuses.

Power to municipalities to give land ;

**30.** It shall and may be lawful for any municipality interested in securing the construction of the said railway to grant by way of gift to the said company any lands belonging to such municipality which may be required for the purposes of the said railway or the traffic thereof ; and the said company shall have power to accept gifts of land from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to accept and sell.

Costs of submitting by-law.

**31.** It shall be lawful for the Council of any municipality interested in the construction or maintenance of the said railway, and without complying with the requirements of any Act providing for creation of debts by municipal corporations, on behalf of such township or other municipality to bear all or part of the costs, charges and expenses of and incidental to the submission of any by-law to the said qualified electors for granting a bonus to the said company or may give the said company a bonus on account of such costs and expenses.

Municipalities may empower company to lay rails on highways.

**32.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company then with the assent of such company ; and it shall and may be lawful for the said company to enter into and perform

perform such agreements as they may from time to time deem expedient with any municipality, corporations, or persons, for the constructing or for the maintenance and repair of gravel or other public roads leading to the said railway.

Construction and repair of public roads.

**33.** Whenever any municipality shall grant aid by way of bonus or gift to the said company, the debentures therefore shall be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the heads of the Councils of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided if the heads of such municipal Councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee; in the event of the death, resignation, or inability, or refusal to act, of any trustee, the party who originally appointed such trustee so dying, resigning, or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such trustee.

Municipal debentures to be held by trustees.

Appointment of trustees and filling vacancies.

**34.** The said trustees shall receive the said debentures on trust,—firstly, to convert the same into money, subject to the conditions of the by-laws authorizing the same, or of any agreement between the company and the municipalities; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of “The Arthur Junction Railway Company Municipal Trust Account,” and to pay the same into the company from time to time on the certificate of the chief engineer of the said company, in the form set out in the schedule “B” hereto, or to the like effect, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, or of any agreement between the company and the municipality, and such certificate is to be attached to the cheques drawn by the said trustees.

Trusts upon which the debentures are to be held.

**35.** The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Acts of two trustees to be binding.

**36.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such note or bill so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such note or bill,

Powers as to bills or notes.



bill, nor shall the president or vice-president or the secretary be individually responsible for the same unless the said notes or bills have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be constituted to authorize the said company to issue any promissory note or bill of exchange, payable to bearer, or intended to be circulated as money or as notes or bills of a bank.

Procuring  
gravel-pits,  
&c.

Purchase of  
whole lots.

**37.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits for car-shunting, maintaining or using the said railway, or for water supply; and in case by purchasing the whole of any lot or parcel of land over which the railway is run, the company can obtain at a more reasonable price or at a greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply.

Mortgaging  
bonds.

**38.** The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the said railway.

Telegraph  
lines.

**39.** For the purpose of constructing, working or projecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on the telegraphic companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the said company, and other provisions of the said Act, for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the said company.

Leasing roll-  
ing stock.

**40.** The said company shall have power to lease from any equipment company or other body, any rolling stock that may be required for use on the said road, and may make any contract or agreement with any person or corporation, domestic or foreign.

Bonds.

**41.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the  
real

real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company within the Province of Ontario; and provided, also, further, that it shall be lawful to provide in and by the said bonds that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided, further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holders thereof.

Proviso:

**42.** All such bonds, debentures, and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Form of bonds, &amp;c.

**43.** The railway shall be commenced within two years, and fully completed within four years after the passing of this Act.

Commencement and completion of the railway.

**44.** The company incorporated by this Act may enter into any arrangement with any other railway company or companies, whether within the legislative authority of this Province or otherwise, which is lawfully empowered to enter into such an agreement, for the leasing or working of the said railway, on such terms and conditions, as the directors of the several companies may agree on, or for the construction or partial construction thereof, or for leasing or hiring from such other company or companies, any portion of their railway or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such company or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies, of the railway or rolling stock of either, or both, or any part thereof; or touching any service to be rendered by the one company to the other and the compensation thereof; and any such agreement shall be valid and binding according

Agreements with other companies.

according to the law and tenor thereof; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Subrogation of  
lien on receipt  
of goods sub-  
ject to charges.

**45.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into the their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof, upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Form of con-  
veyances to  
the company.

**46.** Conveyances of land to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule "A" hereunder, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Registry.

## SCHEDULE "A,"

Know all men by these presents that I (or we) (*insert the name or names of the vendors*), in consideration of

dollars paid to me (or us) by the Arthur Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*), in consideration of paid to  
me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said Arthur Junction Railway Company, their successors and assigns (*here insert any other clauses, covenants and conditions required*), and I (or we), the wife (or wives) of the said , do hereby bar my (or our) dower in the said lands.



As witness my (or our) hand and seal (or hands and seals)  
 this                    day of                    , one thousand eight hundred and  
 seventy-  
 Signed, sealed and delivered                    [L. S.]  
 in the presence of

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### SCHEDULE "B."

#### *Chief Engineer's Certificate.*

THE ARTHUR JUNCTION RAILWAY COMPANY'S OFFICE,  
 Engineer's Department, No.                    ,  
 A.D. one thousand eight hundred and  
 seventy-                    .

Certificate to be attached to cheques drawn on the Arthur  
 Junction Railway Municipal Trust Account, given under  
 section                    of chapter                    of the Acts of the  
 Legislature of Ontario, passed in the forty-first year of Her  
 Majesty's reign

I, A. B., Chief Engineer for the Arthur Junction Railway  
 Company, do hereby certify that the said Company has ful-  
 filled the terms and conditions necessary to be fulfilled under  
 the By-law No.                    of the Township of                    (or  
 under the agreement dated the                    day of                    ,  
 between the Corporation of                    and the said Com-  
 pany), to entitle the said Company to receive from the said  
 Trust the sum of (*here set out the terms and conditions, if any,  
 which have been fulfilled.*)

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### CHAPTER 43.

#### An Act respecting the Belleville and North Hastings Railway Company.

[Assented to 7th March, 1878.]

**W**HEREAS the Belleville and North Hastings Railway Preamble.  
 Company have, by their petition, asked that the time  
 for the completion of their railway may be extended, and that  
 the bonuses voted in aid of the said road by the Municipalities  
 of the Township of Madoc and the County of Hastings be  
 confirmed, and whereas it is expedient to grant the prayer of  
 the said petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario,  
 enacts as follows :—

37 Vic., c. 38,  
sec. 51,  
amended.

1. The fifty-first section of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter thirty eight, intituled, "An Act to incorporate the Belleville and North Hastings Railway Company," shall be, and the same is hereby amended by erasing therefrom the word "four" in the second line of the said section, and substituting the word "five."

By-laws of  
Madoc and  
Hastings  
valid.

2. The by-law number eighty-one passed by the Corporation of the Township of Madoc, granting a bonus of thirty thousand dollars to the Belleville and North Hastings Railway Company, and for the issuing of the debentures therefor to the amount of thirty thousand dollars, to be given by way of bonus to the said Belleville and North Hastings Railway Company by the Municipality of the Township of Madoc, also a certain by-law number three hundred and three, passed by the Corporation of the County of Hastings, intituled, "A By-law to authorize the granting of a bonus to the Belleville and North Hastings Railway Company, to the extent of thirty thousand dollars," and for the issuing of the debentures therefor, to the amount of thirty thousand dollars, to be given by way of bonus to the said Belleville and North Hastings Railway Company by the Municipality of the County of Hastings, be, and the said by-laws and all extensions thereof, are hereby declared legal, valid, and binding upon the said corporations respectively, and all others whomsoever, and that on the completion of said Railway and works mentioned in said by-laws, the said Company shall be entitled to such bonuses; Provided always, if the said Railway is not completed and in running order by the first day of November next, the by-law for the Township of Madoc, granting a bonus of thirty thousand dollars to said Railway, shall lapse, unless the Municipal Council for said Township shall by by-law declare otherwise.

Proviso.

## CHAPTER 44

### An Act respecting the Credit Valley Railway Company.

[Assented to 7th March, 1878.]

Preamble.

**W**HEREAS the Credit Valley Railway Company have petitioned that an Act may pass confirming certain municipal by-laws granting aid to the said company, and otherwise amending the Acts relating to the said company; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws heretofore passed by the Councils of the City of Toronto, of the Town of Ingersoll and the Villages of Fergus and Elora, granting aid to the said company, and all debentures issued, or that may hereafter be issued, under the said by-laws, are and the same are hereby made legal, valid and binding upon the respective Corporations of Toronto, Ingersoll, Fergus and Elora.

Certain by-laws declared valid.

2. And whereas doubts have arisen as to the true construction of the agreement entered into between the said company and the trustees of the said company and the Corporation of the Town of Ingersoll, it is enacted that the said Municipal Corporation of the said Town of Ingersoll may by by-law authorise the said trustees to hand over to the said company as their absolute property the debentures of the said town now in their hands to the extent of ten thousand dollars.

Agreement between company and Ingersoll.

3. The twenty-seventh section of the statute of the Province of Ontario, passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria and chaptered thirty-eight, is hereby repealed; and the following is hereby substituted therefor:

34 V. c. 38, section 27 amended.

27. The council of any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company, whether by way of exchange of their own debentures for the debentures of the said company or otherwise, shall be entitled to name a director in the said company as the representative of that municipality; and such director shall be in addition to all shareholders directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

## CHAPTER 45.

An Act respecting the Erie and Huron Railway Company.

[Assented to 7th March, 1878.]

WHEREAS the Erie and Huron Railway Company have petitioned that an Act may be passed to amend the Act of Incorporation of the said company, passed in the thirty-sixth year of Her Majesty's reign and chaptered seventy; and to amend the Act amending the said Act of Incorporation and extending the powers conferred upon the said company, passed in the thirty-eighth year of Her Majesty's reign and chaptered forty-six; and to extend the time for the completion of the said

Preamble.



said railway and for other purposes ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Time for completion of railway extended.

1. The time for the completion of the said railway is hereby extended for the period of one year beyond the time limited for its completion by the Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered forty-six.

Branch line to Wallaceburgh.

2. It shall and may be lawful for the said Erie and Huron Railway Company to commence the construction of the branch line of the said railway to the Village of Wallaceburgh, from any point on the main line between the Town of Chatham, and the Village of Dresden which the said company may deem most advisable; and the said railway company are hereby authorized to construct their line from the said point of commencement to the said Village of Wallaceburgh; and all the rights, privileges and powers conferred upon the said company by the said Act of Incorporation, and by the Act amending the same, as to the construction of the main line, and obtaining the right of way, or otherwise howsoever, shall apply to the said branch line from the said point of connection.

Line north from Petrolia need not be constructed in certain cases.

3. In case the said Erie and Huron Railway Company shall, within the period limited for the completion of the said railway, amalgamate with, lease, or otherwise obtain, running powers over any line of railway then actually constructed, and to extend from Petrolia to the Grand Trunk Railway at any point between Sarnia and Forrest Stations on said Grand Trunk Railway or to the said Forrest Station, nothing contained in the fourth section of the said Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-six, shall be read as making it compulsory upon the first mentioned company to extend their railway from Petrolia as provided by the said fourth section.

County of Kent may pass by-law for debentures to issue.

4. In case the suit now pending between the corporation of the Township of Harwich and others and the Erie and Huron Railway company and others shall be finally decided in favour of the Erie and Huron Railway and others, the Municipal Council of the County of Kent may pass a by-law providing for the issuing of debentures of the said county in the place and stead, and for the amount of the debentures of the said county which under the terms of the by-law numbered three hundred and nineteen of said county, would, if the same had been issued, become payable on the first day of January, in the years one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight,

seventy-eight, and also for the interest payable from the first day of January in the year one thousand eight hundred and seventy-eight upon the whole amount of the debentures of the said county, the issue of which is provided for by the said by-law number three hundred and nineteen; such new debentures to bear interest at the rate of six per cent. per annum, payable half-yearly, and to have coupons for each instalment of interest payable on each debenture attached thereto; and the principal moneys of the said new debentures, shall be payable in equal amounts on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety seven and one thousand eight hundred and ninety-eight respectively, that is to say, one-third of the whole amount of the said debentures at each of the said periods.

5. It shall not be necessary to submit the by-law for the issue of such new debentures to be voted upon by the qualified electors of the said county, or any part thereof, entitled to vote on money by-laws, but the Municipal Council of the said County of Kent may pass such by-law without any vote of the electors thereon, any law or statute to the contrary notwithstanding.

By-law need not be voted upon.

6. The debentures to be issued under and in pursuance of the by-law by the fourth section of this Act authorized to be passed shall be valid and binding upon the said County of Kent to all intents and purposes whatsoever, and their validity shall not be questioned in any way whatsoever.

Debentures valid.

7. Nothing in this Act contained shall be read or construed to legalize or to invalidate any by-law granting aid to the said railway; and nothing in this Act contained shall effect the rights of parties or in any way effect the litigation in any suit now pending in any court against the said company.

This Act not to legalize by-laws or affect pending suits.

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## CHAPTER 46.

An Act respecting the Galt and Guelph Railway Company.

[Assented to 7th March, 1878.]

WHEREAS the Galt and Guelph Railway Company have, by their petition, represented that the Great Western Railway Company are mortgagees of the railway property and works of the Galt and Guelph Railway Company, and have for several years been working the Galt and Guelph Railway under an agreement entered into in pursuance of the Acts of the

Preamble.

the Parliament of the late Province of Canada, passed in the eighteenth year of Her Majesty's reign, chaptered seventy and one hundred and seventy-six respectively; and that the Galt and Guelph Railway Company are largely indebted to the Great Western Railway Company; And whereas the said two railway companies have agreed that in consideration of the sum of twelve thousand dollars, to be paid by the Great Western Railway Company as hereinafter mentioned, the Galt and Guelph Railway Company shall pay, satisfy, or discharge, or procure to be paid, satisfied or discharged, all the debts and liabilities of and claims and demands against them, the Galt and Guelph Railway Company, other than and except the claims of the Great Western Railway Company, and shall procure to be transferred and assigned to the Great Western Railway Company, or to trustees named by them, all the capital stock of the Galt and Guelph Railway Company free from encumbrances; And whereas certain portions of the said capital stock are held by municipal corporations; and it is expedient to pass an Act to remove any doubt as to the power of the said municipal corporations to transfer the capital stock so held by them, in manner aforesaid, and for the other purposes hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain Corporations empowered to transfer to the G. W. R. Co. their capital stock in the G. & G. R. Co.

**1.** The Corporation of the City of Hamilton, the Corporation of the Town of Guelph, the Corporation of the Village of Preston and the Corporation of the Township of Guelph are each hereby empowered to transfer and assign, at the request of the Galt and Guelph Railway Company, to the Great Western Railway Company, or to such persons as the Great Western Railway Company may nominate, all the capital stock in the Galt and Guelph Railway Company held or owned by such corporation, and such assignments and transfers, whether made for valuable consideration or otherwise, shall vest absolutely in the assignees or transferees the whole of the capital stock thereby purported to be assigned and transferred.

How assignments to be executed.

**2.** Every such assignment and transfer shall be executed under the seal of the corporation and the hand of the mayor or reeve, as the case may be, of the corporation for the time being.

New preamble.

**3.** And whereas it is contemplated by the said two railway companies that upon the assignment and transfer to the Great Western Railway Company or their nominees of not only all the said capital stock held or owned by the several corporations in the first clause mentioned, but also of all other the capital stock of, and in, the Galt and Guelph Railway Company, free from encumbrances, and upon the payment, satisfaction and discharge by the Galt and Guelph Railway Company of all  
its



its debts and liabilities, and of all claims and demands against it, other than the claims of the Great Western Railway Company, and other than the claim of Alexander McDonell, for principal and interest upon a bond of the Galt and Guelph Railway Company, for two thousand dollars held by him, and other than the claim of Rose Anderson, wife of Charles E. Anderson, for principal and interest upon a bond of the same Company for four thousand dollars held by her then that the Great Western Railway Company will within thirty days thereafter pay to the said Alexander McDonell, the sum of one thousand three hundred and thirty-three dollars and thirty-three and a-third cents, and to the said Rose Anderson, the sum of two thousand six hundred and sixty-six dollars and sixty-six and two-thirds cents, upon both the said bonds being surrendered to them and releases being executed by both the said persons of all claims and demands against the Galt and Guelph Railway Company, and that thereupon the said the Great Western Railway Company will pay to the Hon. Isaac Buchanan, Charles Davidson, and Donald Guthrie, the further sum of eight thousand dollars, making in all the sum of twelve thousand dollars, firstly above mentioned ; Therefore, it is hereby further enacted that the said Alexander McDonell and Rose Anderson, upon payment or tender to them respectively of the sums above mentioned as intended to be so paid, shall accept and receive the sums in full of all their respective claims and demands against the Galt and Guelph Railway Company, and shall execute all proper releases and discharges, and surrender the said bonds ; and the said Isaac Buchanan, Charles Davidson and Donald Guthrie, upon receipt of the said sum of eight thousand dollars, shall apply the same according to the resolution passed by the directors of the Galt and Guelph Railway Company, at the meeting held by them on the twenty-eighth day of November, one thousand eight hundred and seventy-seven.

Claims of A.  
McDonell and  
Rose Ander-  
son.

4. Nothing in this Act contained shall affect in any manner howsoever the claims of the Great Western Railway Company against the Galt and Guelph Railway Company, nor shall anything herein be taken or construed as creating or imposing any duty, liability, or obligation upon the Great Western Railway Company.

Claims of the  
G. W. R. Co.  
and liabilities.

5. It shall be lawful for the shareholders of the Galt and Guelph Railway Company, in general meeting, by a majority vote to alter from time to time the number of persons who shall be directors of the Company, so that such number shall not be less than three nor more than nine ; if, for any reason in any year, no election of directors shall take place at the time appointed for that purpose, the existing directors shall continue to act and retain their powers until new directors be elected at any subsequent special general meeting called for the purpose, or annual general meeting ; should any vacancy occur in the board of directors during any year, such vacancy may be filled by the remaining directors.

Directors of  
the G. & G.  
R. Co.

Rights of the transferees of the stock.

6. The person or persons to whom the said capital stock may be transferred at the request of the Great Western Railway Company, either as trustees for them or otherwise, shall have and may exercise, and enjoy all the rights and privileges of ordinary shareholders, holding shares for their own use.

Power of the G. W. R. Co.

7. Nothing in this Act contained shall be taken or construed as conferring any powers upon the Great Western Railway Company, or as enabling them to do or undertake any matter or thing which is not authorized by the Acts relating to the said Company.

## CHAPTER 47.

### An Act to incorporate the Georgian Bay and Wellington Railway Company.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS the construction of a railway from the Town of Guelph, in the County of Wellington, the Town of Listowell in the County of Perth, the Village of Harriston in the County of Wellington or any intermediate point to the Town of Owen Sound or some other point or points on the Georgian Bay, via the Village of Mount Forest in the County of Wellington, and the Town of Durham in the County of Grey, has become necessary for the development of the resources of the said counties and the country adjacent thereto; and whereas William McDowell and others have petitioned that an Act may pass for the construction of said railway; and whereas it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation and corporate name.

1. William McDowell, Alexander Meiklejohn, John Nasmith, William W. Winfield, Thomas Swan, David Yeomans, Josiah Hampton, James McMullen, James Murdoch, Thomas Smith, George A. Drew, Gilbert McKechnie, Alexander C. McKenzie, Henry Parker, James H. Hunter, George Jackson, Finlay McRae, James Edge, Alexander M. Stephens, Richard Notter, Benjamin Allen, David McNicol, and William Kough, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the company hereby incorporated, are hereby declared to be a body corporate and politic, by the name of the "Wellington and Georgian Bay Railway Company."

Certain clauses of the Railway Act to apply.

2. The several clauses of the "Railway Act" of Ontario, and the several clauses thereof with respect to "interpretation,"

tion," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "dividends," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c." "working of the railway and general provisions," shall be deemed to be part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except so far as may be inconsistent with the enactments hereof; and the expression "this Act," when used, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

3. The said company shall have full power and authority under this Act, to construct a railway from the Town of Guelph, in the County of Wellington, the Town of Listowell, in the County of Perth, the Village of Harriston, in the County of Wellington, or any intermediate point to the Town of Owen Sound, in the County of Grey, or to some other point or points on the Georgian Bay, via the Village of Mount Forest in the said County of Wellington, and the Town of Durham in the said County of Grey.

Location of line.

4. The gauge of the said railway shall not be less than four feet eight and a half inches.

Gauge.

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule (Schedule "A") hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Conveyances how made, and registered.

6. From and after the passing of this Act, the said William McDowell, Alexander Meiklejohn, John Nasmith, William W. Winfield, Thomas Swan, David Yeomans, Josiah Hampton, James Murdoch, Thomas Smith, George A. Drew, Gilbert McKennie, Alexander C. McKenzie, Henry Parker, James H. Hunter, George Jackson, Finlay McRae, James Edge, David McNicol, Alexander M. Stephens, Richard Notter, Benjamin Allen, and William Kough shall be the provisional directors of the said company.

Provisional directors.

7. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of directors of the said company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who upon being so appointed shall become

Powers of provisional directors.



become and be provisional directors of the company equally with themselves; to open stock-books and to procure subscriptions for the undertaking; to make calls upon subscribers; to cause surveys and plans to be executed, and to cause a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as under the "Railway Act," are vested in such boards.

Authority to appropriate lands.

8. It shall and may be lawful for the said company to pass over any portions of the country between the points in the third section mentioned, and to carry the said railway through the Crown lands lying between the points aforesaid, and to take and appropriate for the use of the said railway and the works connected therewith, so much of the land as may be necessary for the works of the said railway.

Capital stock.

9. The capital of the company hereby incorporated shall be one hundred thousand dollars with power to increase the same in the manner provided by the said Railway Act, to be divided into two thousand shares, of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such body; and the money so raised shall be applied in the first place for the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

First meeting for the election of directors.

10. When and as soon as shares to the amount of twenty-five thousand dollars, in the capital stock of the company shall have been subscribed and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three week's notice in two newspapers, one published in the County of Grey, and one in the County of Wellington, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, in manner, and qualified as hereinafter mentioned, who, together with *ex-officio* directors under the Railway Act or this Act, shall constitute a board of directors, and shall hold office until the first Tuesday of June in the year following their election.

Withdrawing moneys from bank.

11. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

**12.** The directors for the time being may from time to time <sup>calls.</sup> make calls as they think fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call by notice published in one newspaper in each of the Counties of Wellington and Grey, and in the *Ontario Gazette*.

**13.** Thereafter the general annual meeting of the shareholders of the company shall be held in such place, on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least three weeks previously, in the *Ontario Gazette*, and one newspaper in each of the said Counties of Wellington and Grey. <sup>General annual meetings.</sup>

**14.** Special general meetings of the shareholders of said company may be held in such places, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. <sup>Special general meetings.</sup>

**15.** In the election of directors under this Act, no person shall be elected a director unless he shall be the holder, and owner of at least ten shares of the stock of the said company upon which all calls have been paid up. <sup>Qualification of directors.</sup>

**16.** Aliens as well as British subjects, and whether resident in this Province, or elsewhere may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. <sup>Shareholders right to vote, &c.</sup>

**17.** At all meetings of the board of directors, five shall form a quorum for transaction of business; and the said board of directors may employ one of their number as paid director. <sup>Quorum. Paid director</sup>

**18.** And it shall further be lawful for any municipality or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said Company shall pass or be situate, to aid and assist the said Company, by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing municipal bonds to, or in aid of the Company, and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the <sup>Aid from municipalities.</sup>

the ratepayers, as provided in the Municipal Act for the creation of debts.

Petitions for aid from county municipalities.

**19.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act.

Petitions for aid from other than county municipalities.

**20.** In case fifty persons, at least rated on the last revised assessment roll of any municipality, other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners, to aid in the construction of the said railway, by giving a bonus to the said Company, and stating the amount which they so desire to grant and to be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is derived from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality do petition the council of the said municipality, to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said Company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality;

(1.) For raising the amount so petitioned for by such freeholders, for such portion of the municipality by the issue of the debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Passing by-laws for aid by councils.

**21.** And in case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.



**22.** And within one month after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Issue of municipal debentures.

**23.** In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion, only of the municipality.

Rate to be levied only on portion of municipality granting bonus.

**24.** The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by, or for a portion of a municipality, to the same extent as if the same had been passed by or for the whole municipality.

Application of the Municipal Act.

**25.** All by-laws to be submitted to such vote for granting bonuses to the said Company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates than three cents on the dollar of the ratable property affected thereby, shall be valid.

Rate in municipalities not to exceed 3 cents on the \$

**26.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said Company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Powers to exempt from taxation.

**27.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the said Company, the debentures thereof shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant Governor in Council, one by the said company, and one by the majority of the councils of the municipality which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided if the municipal council interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation or inability, or refusal to act, of any trustee, the party who originally appointed such trustees so dying, resigning or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party

Trustees for debentures.

failing

failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee.

Trusts upon which the debentures are to be held.

28. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the "Georgian Bay and Wellington Railway Company Municipal Trust Account," and to pay the same unto the Company from time to time on the certificate of the chief engineer of the said Company, in the form set out in schedule "B" hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees.

The act of two trustees valid.

29. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to issue preferential bonds.

30. The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the Company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all, the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec; and provided even further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Limit to bonds.

Rights of unpaid bondholders.

**31.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer or transferable by delivery, and any holder of any such bonds, debentures or other securities so made payable to bearer may sue at law thereon in his own name.

Bonds, &c.,  
how payable

**32.** The said company shall have power and authority to become parties to promissory notes or bills of exchange, made or endorsed by the president or vice-president of the company and countersigned by the secretary thereof, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money, or as the notes or bills of banks.

Power to  
become parties  
to notes, &c.

**33.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of the railway Act shall not apply to this section.

Power to  
acquire whole  
lots, though  
less would  
suffice.

**34.** When stone, gravel, earth or sand is or are required for the construction or maintainance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of the railway Act as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell,

Acquiring  
gravel, &c. for  
construction of  
railway.



sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Siding to  
gravel pits,  
sand pits, &c.

**35.** When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks, over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the railway Act, and of the special Acts relating to said company's Act, except such as relate to filing plans and publications of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway:

2. When estimating the damages for the taking of gravel, stone, earth or sand, subsection eight of chapter twenty of the Act respecting railways shall not apply.

Limit of time  
to commence  
and complete.

**36.** The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Power to  
pledge bonds.

**37.** The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the said railway or otherwise.

Arrangements  
may be made  
with other  
companies.

**38.** The company incorporated by this Act, may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement for the leasing or working of the said railway on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or movable property from such companies or persons, and generally to make any agreement or agreements with any other companies touching the use by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor,

therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided, that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway, may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

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### SCHEDULE "A."

Know all men by these presents, that I (*or we*) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (*or us*) by the Georgian Bay and Wellington Railway Company the receipt whereof is hereby acknowledged, do grant and convey, and I (*or we*) [*insert name of any other party or parties*] in consideration of

paid to me (*or us*) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Georgian Bay and Wellington Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (*or we*) wife (*or wives*) of the said

do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)  
 this                      day of                      one thousand eight hundred  
 and seventy

Signed, sealed and delivered }  
    in presence of }

(L.S.)

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### SCHEDULE "B."

#### *Chief Engineer's Certificate.*

The Georgian Bay and Wellington Railway Company's Office,  
 Engineer's Department No.      A. D., 187 ,

Certificate to be attached to Cheques drawn on the Georgian Bay and Wellington Railway Company Municipal Trust Account, given under section      chapter      of the Acts of the Legislature of Ontario, passed in the      year of Her Majesty's Reign.      I,

I, A. B., Chief Engineer for the Georgian Bay and Welling-ton Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.        of the Township of        (or under the agreement dated the        day of        between the Corporation of        and the said company) to entitle the said company to receive from the said trust the sum of        (here set out the terms and conditions, if any, which have been fulfilled).

## CHAPTER 48.

### An Act relating to the Hamilton and North-Western Railway Company.

[Assented to 7th March, 1878.]

#### Preamble.

WHEREAS the Hamilton and North-Western Railway Company have, under the provisions of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered seventy-two, issued bonds of the said company to the amount of one million and one hundred and five thousand dollars, in respect of the portion of their railway from Jarvis to Georgetown; and, whereas the company have also constructed the portions of their railway from Jarvis to Port Dover and from Georgetown to Barrie respectively, and their Collingwood section to Glencairn, and are about to construct such section to Collingwood, being in addition to the portion from Jarvis to Georgetown, about one hundred and ten miles of railway, and are entitled to issue, in respect of such one hundred and ten miles, bonds to the amount of one million eight hundred and seventy thousand dollars, being at the rate of seventeen thousand dollars per mile, authorized by such last mentioned Act, and have issued a part of such bonds, and the whole of such bonds are disposed of under the contract for construction of the railway, and those which are issued are now held by contractors and others, and the said company have with the approval of such holders, made application for the rearrangement of their bond debt and of their capital stock, and for the issue of new bonds of one class or of several classes or for the issue of debenture stock, and for other purposes, and whereas it is expedient to grant the said application;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue  
bonds or de-  
benture stock.

1. In lieu of the power to issue bonds heretofore possessed by the said company, under which such bonds have been or might be issued, and for the purpose of redeeming, or replacing the



the bonds so issued, or which might be issued as aforesaid, it shall be lawful for the directors of the said company to issue bonds of the said company to the amount of five hundred and fifty thousand pounds sterling money of Great Britain, bearing interest at six per cent. per annum, or to issue debenture stock of the said company to the amount hereinafter mentioned in respect of the portions of their railway in the preamble mentioned, being from Port Dover to Bayfield Street, in the Town of Barrie, and to Collingwood; and such bonds to the amount aforesaid may be issued forthwith, without the sanction of the shareholders or any other requisite beyond a by-law of the directors, which they are hereby authorized to pass, or such debenture stock may be issued after the sanction of the shareholders shall have been first obtained at any annual general meeting, or at any special general meeting, to be called for such purpose; and such bonds or debenture stock as the case may be shall be used and applied in the first place for the purpose of redemption of, or substitution for, the bonds of said company so heretofore issued or issuable as aforesaid, in manner hereinafter provided, and then towards the purposes of the said company generally; and such bonds or debenture stock shall, without registration or formal conveyance be, and be taken and considered to be, the first and preferential claim and charge upon the undertaking and real property of the company comprised within those portions of the line of railway of the said company, in this section mentioned, and upon all the lands and tenements belonging to the said company which now are or henceforth may be used, occupied and enjoyed in connection with such portions, or in or about the working thereof, and also upon all the personal property of the said company existing at the time of their issue and at any time thereafter acquired, wherever such personal property may be, or be used; and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon all the portions of the said railway, and the lands and tenements in this section mentioned, as well as upon all such personal property of the company as aforesaid; and the directors may, by such by-laws, fix and define the amount and denomination of such bonds or debenture stock the rate of interest thereon, the time or times, the place or places, for payment of the principal money thereof and the interest thereon and all other particulars in reference thereto: Provided, however, that in the event at any time, of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting or any special general meeting of the said company all holders of such bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided the bonds and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register such bonds, or any of them, at any time

How to be applied.

Powers of holders of interest in arrear.

Debenture  
stock.

time on being required to do so by any holder thereof : Provided further that if the directors shall decide to issue debenture stock, which they are hereby authorized to do after the sanction of the shareholders has been obtained as aforesaid, then they may make such stock either perpetual or terminable, at such time as they may by by-law appoint, and that the whole amount of such debenture stock shall not exceed six hundred and sixty thousand pounds sterling, nor be less than five hundred and fifty thousand pounds sterling, and the total amount of the annual interest thereon shall not exceed thirty-three thousand pounds sterling, and the rate of such interest shall not be less than five per cent per annum : Provided further that the holders of debenture stock shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached or belong to shareholders, but shall not be entitled to receive any dividend upon such debenture stock beyond the interest, which may be stipulated for in the scrip issued for such stock : Provided further that if bonds be issued under the first and third sections of this Act, sixty-five thousand pounds sterling of the first mortgage bonds, and eight thousand five hundred pounds sterling of the second mortgage bonds, shall be reserved for the completion of the Collingwood section ; and that if such debenture stock be issued then stock to an amount bearing the annual interest of four thousand pounds sterling shall be reserved for the completion of such section, and such bonds or debenture stock, as the case may be, shall only be issued and paid out by the Company to the contractors *pro rata* as the work of construction upon that section shall be proceeded with, and upon the certificate of the Company's engineer to be from time to time granted in terms of the contract.

Stock and  
bonds to be  
first mortgage.

2. The bonds or debenture stock which may be issued under the last preceding section shall on their face be declared to be first mortgage bonds or debenture stock (as the case may be) issued under the provisions of such section, and such bonds or debenture stock (as the case may be) are hereby declared to be, and at all times hereafter shall continue to be, a first and preferential claim and charge upon so much of the undertaking, line of railway and property of the company as is mentioned in such section, in priority to any other bonds or debenture stock, which the said company are by this Act authorized to issue, or which they may at any time hereafter be authorized to issue.

Power to fur-  
ther issue  
bonds to the  
amount of  
£70,000.

3. Further, in lieu of the power to issue bonds so heretofore possessed by the said Company, it shall, and may be, lawful for the directors of said company to issue bonds of the said company to the amount of seventy thousand pounds sterling, bearing interest at a rate not to exceed six per cent. per annum, in respect of the portions of their railway, in the first section mentioned; and such bonds to the amount aforesaid may be issued forthwith,

forthwith, without the sanction of the shareholders or any other requisite beyond a by-law of the directors, which they are hereby authorized to pass, and by which they may fix and define the amount or denomination of such bonds, the rate of interest, the time or times, and the place or places for the payment of the principal moneys thereof and of the interest thereon, and all other particulars in reference thereto, provided always that the time fixed for payment of the principal money of such bonds shall not be at an earlier date than the time for payment of the principal money of the bonds authorized to be issued by the first section; and the bonds by this section authorized to be issued, shall be used and applied in the first place, so far as may be necessary in substitution for the bonds of the company so heretofore issued or issuable as aforesaid in manner hereinafter provided, and any part thereof which may not be so required or used may be applied for the purposes of the said company generally; and such bonds shall, without registration or formal conveyance be, and be taken and considered to be, a claim or charge upon the undertaking and real property of the company comprised within those portions of the line of the railway of the said company and upon the real and personal property of the said company upon which the bonds authorized to be issued by the first section hereof are by such section declared to be the first and preferential claim and charge, but next after and subject only to the claim and charge of the bonds authorized to be issued under the first section of this Act: Provided always, that if debenture stock be issued under the provisions of the first section, then the mortgage bonds authorized by this section shall not be issued.

How to be applied.

Lien.

Proviso.

4. The bonds authorized to be issued under the first and third sections hereof, if the company shall decide upon the issue of bonds, or the debenture stock, hereinbefore authorised, if the company shall decide to issue such stock, shall be issued within one year from the passing of this Act and upon such bonds or stock as the case may be being issued, notice thereof shall be published in one issue of the *Ontario Gazette*, and in six successive issues of a daily newspaper published at the City of Hamilton, and on such bonds or debenture stock being so issued and such notice published, the same shall be dealt with as follows:

When bonds or stock under ss. 1 or 3 may issue—notice thereof.

Firstly, First mortgage bonds authorized under section one to the amount of fifteen thousand pounds sterling, if such bonds be issued, or if debenture stock be issued, then such stock to an amount yielding interest to the amount of nine hundred pounds sterling per annum shall be delivered to the persons or corporations who are or may be the holders of the bonds of the said railway company, or of the Hamilton and Lake Erie Railway Company heretofore issued in respect of the bonded or judgment debt of the Hamilton and Port Dover Railway

Application of bonds.



Railway Company, and the same shall be taken and received by such holders in proportion to the amount of such bonds held by them respectively, and in extinguishment of any lien or charge which the holders of such bonds or any of them may now have upon any property of the said Company or any property heretofore acquired for or belonging to the Hamilton and Port Dover Railway Company; and all such property shall from and after the issue and delivery of such bonds or debenture stock, as the case may be, become and be vested in the said railway company without any formal conveyance thereof; and interest on such bonds or debenture stock at the rate of nine hundred pounds sterling per annum shall be paid from the first day of January, in the year one thousand eight hundred and seventy-eight; and if the company under the proviso hereinafter contained, do not exercise the power given by this Act for the issue of bonds or debenture stock, the holders of the bonds in this clause mentioned shall be entitled and bound to receive bonds of the company as now authorised to be issued to the amount of fifteen thousand pounds sterling, and bearing interest from the first day of January, in the year one thousand eight hundred and seventy-eight, on the same terms as the bonds of that amount, or the debenture stock hereinbefore in this clause mentioned:

Contractors.

Secondly, The contractors shall be entitled to receive the residue of such bonds or debenture stock, subject to the terms of their contract with the company, and also subject to the proviso to the first section as to the amount of bonds or stock to be reserved for the completion of the Collingwood section, and subject to the rights of any persons or corporations holding existing bonds as collateral security, but any such persons or corporations shall be entitled and bound to receive in substitution for the bonds they may hold, bonds authorized to be issued by section one of a like amount, and bearing interest from the same date as the bonds they may hold, or if debenture stock be issued, then such stock to such an amount as will yield the same amount of annual interest as the bonds to be given up therefor:

Present  
bondholders.

Suits on bonds  
after issue of  
new bonds  
and stock.

And it is hereby declared that from and after the issue of the bonds or debenture stock authorized to be issued under the first and third sections of this Act, and notice thereof published as aforesaid, no action, suit, or other proceeding shall be maintained by or on behalf of any holder of any bond heretofore issued or to be issued by the said company, or of any coupon to any such bond, and it shall be a sufficient defence and absolute bar to any action, suit or proceeding on any such bond, to state that the bonds or debenture stock hereinbefore authorized had been issued, and notice thereof given as aforesaid: Provided always that the bonds of the said company heretofore authorized to be issued shall be and remain in full force and effect until such new bonds or debenture stock authorized

thorized by this Act shall be issued, and notice of such issue published as aforesaid; provided further, that the directors may within said period of one year, pass a by-law declaring that the powers to issue bonds and debenture stock authorized by this Act shall not be exercised; and upon such by-law being passed and notice thereof published in two consecutive issues of the *Ontario Gazette*, the powers of the said company as to the issue of bonds shall be as if this Act had not been passed.

5. It further shall and may be lawful for the directors of the said company to issue bonds of the said company for the purpose of raising money for prosecuting the said undertaking beyond Bayfield Street, in the Town of Barrie, in respect of the portions of their line of railway which may hereafter be constructed to the north of or beyond that point; and such bonds shall, without registration or formal conveyance be, and be taken and considered to be, the first and preferential claim and charge upon that part of the undertaking and those portions of the line of railway of the said company which may hereafter be constructed to the north of or beyond Bayfield Street in the Town of Barrie, and upon all the lands and tenements of the said company to the north of or beyond such Street which may be used, occupied or enjoyed in connection with such portion, or in or about the working thereof; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof; Provided, however, that no bonds shall be issued under the provisions of this section until after the sanction of the shareholders shall have been first obtained at any annual general meeting of the company, or at any special general meeting, to be called from time to time for such purpose, and the company may at such meeting, by by-law, define the amount or denomination of such bonds, the time or times, the place or places for payment of the principal money thereof, and of the interest thereon, not exceeding six per centum per annum, and all other particulars in reference thereto; but the time for payment of the principal money of such bonds shall not be at an earlier date than the time for payment of the principal money of the bonds authorized to be issued by the first section of this Act: And provided further that the whole amount of the issue of such bonds shall not exceed in all the sum of three thousand pounds sterling per mile, and that the amount of the bonds issued at any one time shall not be in excess of the amount actually expended in surveys, purchase of right of way, and works of equipment and construction upon the portion of the line of the said railway in this section mentioned, or of material actually purchased, paid for, and delivered to the company within the Dominion of Canada, and certified by the chief engineer of the company.

Further power to issue bonds for construction beyond Barrie.

Proviso.

Limit to issue.

6. The provisions of the fourth section of the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered 38 Vic. cap. 48 sec. 4 to apply to bonds and forty-eight,

debenture  
stock.

forty-eight, shall apply to the bonds and debenture stock authorized to be issued under the provisions of this Act.

This Act not  
to affect muni-  
cipal by-laws  
granting aid to  
company.

7. It is hereby provided and declared that nothing in this Act contained shall prejudice or affect the stipulations or conditions of any by-law passed by any municipality in aid of the said company.

Limit of time  
for construc-  
tion extended.

8. The time for completion of the lines of railway, which the said company is authorized to construct, is hereby extended for three years from the expiration of the time heretofore limited therefor, except only as to the completion of the section to Collingwood, which must be finished within the time and in the manner already provided.

## CHAPTER 49.

### An Act relating to the Midland Railway of Canada.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS there are now outstanding first and second mortgage bonds of the Midland Railway of Canada; and whereas the said Midland Railway of Canada is also indebted to numerous persons other than bondholders; and whereas also by their petition, the said company have prayed for an Act enabling them to redeem and cancel the said first and second mortgage bonds, and enabling them to issue new consolidated bonds, and also to liquidate their debts; and whereas the said company have also petitioned for power to change the place of their head office, and for powers to municipalities to aid and assist the said company; and whereas it is expedient that with the consent of the said bondholders, or a majority of them, the said company should have such powers; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue  
bonds not ex-  
ceeding £525,-  
000 sterling.

1. The company may, with the consent of a majority of two-thirds in value of the shareholders thereof at a meeting specially called for that purpose, make and issue new consolidated bonds for an amount not exceeding five hundred and twenty-five thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere, as the company may think expedient; the principal of such bonds to be payable at such time as the company may think expedient,  
not



not exceeding thirty years from the date of the issue of said bonds, and the said bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum per annum, payable half yearly; and such new bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens held by them before the passing of this Act, be taken and considered to be subject to the provisions of section ten of this Act, the first preferential claims and charges upon the undertaking and the property of the company, real and personal, and then existing, and at any time thereafter acquired, and all extensions made or to be made thereof and the franchises of the said Company; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the aforesaid undertaking and property of the company and all extensions thereof as aforesaid, and the franchise of the said company as aforesaid, in priority to all other charges and incumbrances, save as are hereinbefore excepted; Provided that the powers hereinbefore conferred to issue the said bonds are not to be exercised until two-thirds in value of the existing bondholders have agreed to accept the new bonds in exchange and substitution for the bonds now held by them as hereinafter provided; And provided always, that nothing in this Act shall prejudice the rights of existing creditors of the Company.

Lien.

Proviso.

2. Provided two-thirds in value of the holders of the existing first outstanding bonds, and of two-thirds in value of the outstanding second mortgage bonds, and two-thirds in value of the shareholders, at a meeting or meetings specially called for that purpose, may have prior to the passing of this Act agreed, or may hereafter agree hereto, the said company shall call in and cancel all their outstanding bonds heretofore issued, and shall issue to each person holding any of the first mortgage bonds now outstanding, for every one hundred pounds sterling of such bonds now held by them, one hundred and twenty pounds sterling of bonds issued under this Act, or such other amount as may be agreed to by two-thirds in value of the said bondholders, and for any sum, under or over the sum of one hundred pounds sterling, in like proportion: the said company may agree with the holders of the first mortgage bonds in consideration for their agreeing to accept the new bonds issued under this Act, to deliver to each holder of first mortgage bonds now existing, for every pound sterling of such bonds held by them, such amount in paid-up stock of the said Company, in addition to the said new bonds, as may be agreed to by two-thirds in value of the said bondholders; Provided, however, that the said paid-up stock shall not be increased beyond the sum of four hundred thousand pounds sterling, and shall, if such agreement is made with the said first mortgage bondholders, transfer to such bondholders the said paid-up shares in the said company; and thereafter the said bondholders shall,

Outstanding bonds may be called in.

Proviso.

in

in respect of such shares, have all the rights and privileges of paid-up shareholders of the said company to the extent of the shares held by them; and the said company shall issue to each holder of second mortgage bonds, now outstanding or existing, for every one hundred pounds sterling held by them in such existing second mortgage bonds, the sum of thirty pounds sterling of the said bonds issued under this Act, or such other amount as two-thirds in value of the said second bondholders may agree to, and for any sum less or over, the said sum of one hundred pounds sterling of such second mortgage bonds held by them in like proportion.

Old bonds to be cancelled on issue of the new bonds.

3. On the issue by the said company of the said bonds under this Act all bonds heretofore issued by the said company, and outstanding, shall be called in and cancelled by the said company; and the said bonds, so called in, shall no longer form any lien or charge on the said railway, or be of any force or effect, and in the event of any of the said existing bondholders failing to deliver up the existing bonds held by them, or to apply for new bonds to be issued as aforesaid the said company shall reserve a sufficient amount of bonds, issued under this Act, to meet the said existing bonds not delivered up to be cancelled.

Power to issue £100,000 first preference bonds.

4. The said company may with the consent of a majority of two-thirds in value of the said bondholders of the said Company and two-thirds in value of the holders of the said bonds to be issued under the preceding provisions of this Act, at a meeting specially called for that purpose, make and issue new preference bonds for an amount not exceeding one hundred thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere as the Company may think expedient, the principal of such bonds to be payable at such time as the Company may think expedient, not exceeding thirty years from the date of the issue of such bonds, and the said bonds to bear interest at such rate or rates as the Company may determine, not exceeding five per centum per annum, payable half-yearly: and such new bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens held by them before the passing of this Act, be taken and considered to be (subject to the provisions of section ten of this Act), the first preferential claims and charges upon the undertaking and the property of the Company real and personal, and then existing, and at any time thereafter acquired, and all extension made or to be made thereof, and the franchises of the said company, and each holder of the said preference bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the aforesaid undertaking and property of the Company, and all extensions thereof, and the franchises of the said Company as aforesaid, in priority to all other charges and incumbrances including the bonds issued under the preceding sections of this Act, but subject to the rights of municipalities in respect of any liens

Lien.

liens as aforesaid; Provided, however, that no preference bonds shall be issued under this section until claims of such creditors of the said Company as have *bona fide* claims against the said Company at the present time shall have been satisfied or the said creditors arranged with.

5. On the issue of the said bonds, as provided by this Act, all powers heretofore existing to issue bonds under any Act in force, other than this, shall terminate and cease.

Former powers  
to issue bonds  
cancelled.

6. The bonds which may be issued under this Act shall be under the common seal of the company, and shall be signed by the president or vice-president of the company, and countersigned by the secretary; and may be issued as payable to bearer, either in sterling or in the currency of Canada, at such place or places in Canada or Great Britain as may be deemed advisable; and shall be transferable by delivery, and the holder of any bond made payable to bearer may sue thereon in his own name.

Bonds to be  
under seal and  
signed by  
chairman and  
secretary.

7. The holders of the said bonds both preference and otherwise to be issued under this Act, when issued, shall have the same right of voting at all meetings of the said company, either in person or by proxy, and the same number of votes as would be conferred by holding stock or shares in the company of equal nominal amount, and all rules as to the requisite proportion of votes of shareholders at any such meeting shall be interpreted as applying to the total number of votes given thereat by proprietors of stocks or shares and of bonds; and the directors of the said company shall open at their head office in London, England, and at their office in Port Hope, registers of the holders of all bonds issued under this Act, and such registers shall contain the numbers of the said bonds and the amounts thereof and the dates of registry and all transfers of the said bonds; and no vote shall at any meeting be received in person or by proxy in respect of any bond, unless such bond shall have been registered at least one month prior to such meeting at their said office in London, or at Port Hope, in the name of the person or persons by whom or by proxy for whom such vote shall be tendered; and for carrying this enactment into effect, bonds shall be registered on the request of the bearer thereof, at the said office in London or Port Hope, in the name of the bearer, or in the name or names endorsed thereon by the bearer, and a certificate thereof shall be delivered to the bearer on request which shall be evidence of such registration, but no such registration or registrations shall in any way affect the right to receive any principal money or interest secured by such bond.

Bondholders  
may vote.

Registry offices.

Unregistered  
holder not to  
vote.

8. The holders of the bonds issued, as hereinbefore provided, may from time to time without prejudice to any other right or remedy, enforce payment of any arrears of interest by

Payment of  
arrears of  
interest.



the appointment of a receiver; and the Court of Chancery may, upon the application of the holders of said bonds for an amount not less than twenty-five thousand pounds sterling upon which any payment of principal or interest shall be in arrears, appoint a receiver accordingly.

Sale of bonds issued hereunder not exchanged.

9. The said company may sell at such rates as they may see fit the said bonds to be issued hereunder, and not exchanged for existing bonds and may apply or use the proceeds of such sale for the benefit of the said company, as they may see fit.

Application of earnings.

10. In the event of the issue of the bonds under this Act, the earnings of the company, subject to the rights of the municipalities as hereinbefore preserved, and after payment of any balance now due for traffic received by the Midland Railway, and any debts now due in respect of any such balance, and after deduction of working expenses as hereafter defined, shall in each half year ending the first day of May, and first day of November, commencing with the half year ending the first day of November, one thousand eight hundred and seventy-eight be appropriated and applied in the order and manner following:

1. In payment ratably and *pari passu* of the interest for the time being on the said preference bonds.

2. In payment ratably and *pari passu* of the interest for the time being on the said other bonds.

3. In payment of a dividend on the stock of the company.

Definition of "working expenses."

11. The expression "working expenses" when used in this Act shall mean and include all expenses of maintenance and renewal of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and also all such rents or annual sums as may be paid in respect of any railways or warehouses, wharves, or other property, leased to or held by the company, or in respect of the hire of engines, carriages, or waggons let to the company, rent, charges or principal and interest on lands belonging to the company, purchased but not paid for, or not fully paid for, and also all expenses of and incident to working the railway and the traffic thereon, stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also all salaries and wages of persons employed in and about the working of the railway and traffic thereof, and all secretarial and establishment expenses including agency, legal and other like expenses, and generally all such charges, if any, not above otherwise specified (and no other) as in the case of English Railway Companies, are usually carried to the debit of revenue as distinguished from capital account.

**12.** And whereas it is deemed expedient that the shares in the capital stock of the said company should hereafter be in sterling money of Great Britain, it shall be lawful for the said company, upon the consent being first obtained of two-thirds in value of the shareholders of the said company, to substitute and exchange for the present outstanding shares in the said capital stock, shares in sterling money of Great Britain, that is to say, for every one and a quarter share of fifty dollars, now existing, a share of ten pounds sterling in the said stock; and, hereafter, each share of the capital stock in the said company shall be ten pounds sterling instead of forty dollars, as heretofore, and the said company shall do all things necessary to effectuate the said exchange; provided, nevertheless, that the rights and liabilities of the said stockholders of the said company shall in no way be affected by the said substitution of sterling shares of ten pounds for each one and a quarter share, and the said stockholders shall, in all respects, be in the same position and have the same rights, and be subject to the same liabilities, as if the shares in the said capital stock had been originally shares of ten pounds sterling instead of shares of forty dollars; and provided also, that the rights of the said company to increase their capital stock, from time to time, as provided by section eighty-one of chapter sixty-six of the Consolidated Statutes of Canada, and the other Acts in force, relating thereto shall in no way be impaired or interfered with; provided also, that the said company may issue paid-up stock to an amount sufficient to deliver to each holder of first mortgage bonds, now existing, the stock hereinbefore authorized to be given to them.

Bonds and shares may be changed into sterling.

Shares to be £10 stg.

Provisoos.

**13.** And it shall further be lawful for any municipality or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the said railway, or works of the company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing municipal bonds to or in aid of the company; and, otherwise, in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers as provided in the Municipal Acts for the creation of debts.

Aid by municipalities.

**14.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the municipal Act.

Petitions for aid by county municipalities

Petitions for  
aid other than  
by county  
municipalities.

**15.** In case fifty persons at least, rated on the last revised assessment roll of any municipality, other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway, by giving a bonus to the said Company, and stating the amount which they so desire to grant, and to be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and, in case aid is desired from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said Company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the required by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality;

(1.) For raising the amount so petitioned for by such freeholders for such portion of the municipality, by the issue of the debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in the said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Passing by-  
laws for aid by  
councils.

**16.** And in case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

Issue of the  
debentures.

**17.** And within one month after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Levying rate  
where bonus  
granted by a  
portion of the  
municipality.

**18.** In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion, only of the municipality.



**19.** The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by, or for a portion of a municipality, to the same extent as if the same had been passed by or for the whole municipality.

Application of the provisions of the Municipal Act.

**20.** All by-laws to be submitted to such vote for granting bonuses to the said Company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid.

Rate not to exceed 3 cents on the \$.

**21.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said Company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by the way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Powers to exempt from taxation.

**22.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the said Company, the debentures thereof shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the councils of the municipality which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee: In the event of the death, resignation or inability, or refusal to act, of any trustee, the party who originally appointed such trustees so dying, resigning or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee.

Trustees for municipal bonuses.

**23.** The said trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Midland Railway of Canada Municipal Trust Account, and to pay the same unto the Company from time to time on the certificate of the chief engineer of the said Company, in the form set out in schedule "B" hereto, or to the like effect, setting out how the money is to be applied, and that the sum

Trusts upon which the debentures are to be held.

sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law; and such certificate is to be attached to the cheques drawn by the said trustees.

The act of  
two trustees  
valid.

**24.** The act of any two of such trustees shall be as valid as if the three had agreed.

Head office in  
London and  
Canada.

**25.** The head office of the said company shall be at the City of London, in the United Kingdom of Great Britain and Ireland, and the property, affairs and concerns of the said company shall be managed and conducted at the said City of London. The head office in Canada shall continue to be in Port Hope. This clause of the Act shall not take effect until the existing creditors of the Company, other than bondholders have been satisfied.

Duplicate seal

**26.** The seal of the said Company shall be kept at the head office in London, England, and the said Company shall have a duplicate seal, marked Canada, to be used in this Dominion as may be resolved upon by the directors of the said Company, and the said duplicate seal when used shall have the same force and effect as if the original were used.

Number of  
directors.

**27.** The number of directors of the said Company to be hereafter elected by the shareholders and bondholders, shall be not less than seven, of whom three shall be resident in Canada, and hold their meetings at Port Hope.

Rights of  
shareholders  
not increased.

**28.** Nothing in this Act contained shall be construed to give any additional validity to the title of any persons claiming to be the holders of any shares in the said Company.

## SCHEDULE "B."

### *Chief Engineer's Certificate.*

The Midland Railway Company's Office, Engineer's Department No. , A. D. 187 .

Certificate to be attached to Cheques drawn on the Midland Railway of Canada Municipal Trust Account, given under section , chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.

I, A. B., Chief Engineer for the Midland Railway of Canada, do certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement, dated the day of , between the Corporation of , and the said Company) to entitle the said Company to receive from the said trust the sum of , (here set out the terms and conditions, if any which have been fulfilled.)

CHAPTER

## CHAPTER 50.

## An Act respecting the Port Dover and Lake Huron Railway, and the Township of North Norwich.

[Assented to 7th March, 1878.]

WHEREAS by an Act passed in the fortieth year of Her Majesty's reign, intituled, "An Act respecting the Port Dover and Lake Huron Railway Company," it was enacted among other things that the bonds issued as in the Act mentioned were thereby declared to form a first and preferential, and the only first and preferential, claim and charge upon the said railway and upon the real and personal property of the company at the date thereof, existing or at any time thereafter acquired; and whereas it was by the said Act further enacted that a second issue of further mortgage bonds (subject to, and to rank after the said first issue of four thousand dollars per mile) was authorised to be issued to the amount of one hundred and twenty-five thousand dollars, and such second issue of bonds was thereby declared to be and to form a second preference issue of mortgage bonds on the said railway, and should be taken and considered to be a second preferential claim and charge upon the said railway, and the undertaking and the real and personal property of the said company at the date thereof existing, or at any time thereafter acquired next after and subject only to said first issue of bonds, and each holder of any of the said second preference bonds should be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders of the said second preference mortgage bonds upon the undertaking and property of the said company; and whereas it was further enacted that upon four-fifths of the bonds of the said railway issued prior to the fourteenth day of November last, being paid, surrendered or cancelled, or exchanged for other bonds issued by said company, the said issue of bonds to the amount of seventy-six thousand pounds of sterling money of Great Britain, and the bonds for the balance of said first preference bonded debt of ninety-five thousand pounds sterling, to be issued as thereafter provided, were thereby declared to be valid and binding upon the said company, and to have been issued according to law, and the provisions of the said Act passed in the thirty-seventh year of Her Majesty's reign, and chaptered fifty-seven, and to be the only and total first preference bonded debt of the said railway, and should without registration or formal conveyance be taken and be considered to be a first preferential claim and charge upon the railway, and the undertaking and property of the company real and personal then existing, or at any time acquired, and each holder of the said first preference mortgage bonds should be deemed to be a mortgagee and an incumbrancer *pro rata* Preamble.



*rata* with all the holders thereof upon the undertaking and the property of the company as aforesaid; and whereas it was further enacted, that notwithstanding anything in this Act or any agreement hereinbefore mentioned or contained, the remaining one-fifth part of the said bonds issued before the fourteenth day of November, or any part thereof, which should not be paid or cancelled or exchanged, should form part of the first preference bonded debt of the said company, and in every respect should stand *pari passu* with the said bonds already issued to the amount of seventy-six thousand pounds sterling, and the balance of bonds to be issued as part of the said first preference bonded debt of ninety-five thousand pounds sterling; and whereas it was further enacted that the directors of the said company with the sanction of the shareholders thereof, first obtained in the manner provided by the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered fifty-seven, should have power to issue second preference mortgage bonds, were by the said Act authorised to be executed to the extent, or for the sum of in all one hundred and sixty-eight thousand dollars or its equivalent of sterling money of Great Britain, with coupons attached for the payment of interest at such rate as the shareholders shall sanction when they authorised the issue of such last mentioned bonds, such coupons to be signed by the secretary and treasurer of the said company, and such last mentioned bonds should without registration or formal conveyance be taken and be considered to be a second preferential claim and charge upon the railway, and the undertaking and the property of the company real and personal then existing and at any time thereafter acquired, next after, and subject only to said issue of ninety-five thousand pounds sterling of bonds or its equivalent in lawful money of Canada, and each holder of the said second preference mortgage bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid, subject to the said first preference bonds; and whereas it was further enacted that all the sections and parts of sections of the Acts of the Ontario Legislature theretofore passed in reference to the Port Dover and Lake Huron Railway Company, inconsistent with the said Act, were thereby repealed; and whereas it was not intended that anything in the said Act should effect or impair, or was intended to effect or impair the lien given to the Corporation of the Township of North Norwich, in the County of Oxford, by virtue of section twenty-six of an Act of the said Legislature, passed on the twenty-fourth day of March, one thousand eight hundred and seventy-four, intituled, "An Act to amend the several Acts of the Port Dover and Lake Huron Railway, and to confirm certain by-laws in aid thereof," and whereas it is expedient so to declare;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Nothing contained in the Act passed on the second day of March, one thousand eight hundred and seventy-seven, intituled, "An Act respecting The Port Dover and Lake Huron Railway Company," and hereinbefore in part recited, shall affect or impair, or was intended to affect or impair the lien given to the said corporation of the Township of North Norwich, by virtue of section twenty-six of an Act of the said Legislature, passed on the twenty-fourth day of March, one thousand eight hundred and seventy-four, intituled, "An Act to amend several Acts of the Port Dover and Lake Huron Railway, and to confirm certain by-laws in aid thereof," and so much of the Act firstly hereinbefore mentioned as may be inconsistent with the said recited lien of the Corporation of the Township of North Norwich, is, and the same are hereby repealed; and it is hereby declared and enacted, for and notwithstanding anything in the said Act passed on the second day of March, one thousand eight hundred and seventy-seven contained, that, as between the said company and the Corporation of the Township of North Norwich, the said township is to be liable for two-fifths only of the debentures issued under the by-law of the County of Oxford, and interest thereon referred to in the said Act passed on the twenty-fourth day of March, one thousand eight hundred and seventy-four; but so that the total sum the said railway company shall be liable to pay shall not exceed ten thousand dollars and interest thereon according to the terms of the bond of indemnity hereinafter mentioned; and that a certain bond or agreement made and entered into by and between the said company and the corporation of the said township, bearing date the fifth day of June, in the year of Our Lord one thousand eight hundred and seventy-four, in pursuance of the said last named Act is hereby confirmed; and the lien given to the said Corporation of the Township of North Norwich, under and by virtue of the said bond or agreement is to be the first and preferential lien on all the property of the said company in the Counties of Norfolk and Oxford, including the track and road-bed in priority to all of the said bonds of the said company, issued or authorised to be issued, under the Act in the recital hereof firstly mentioned, and shall be held and taken to be a first and preferential lien as of the date when the same was originally created, and that such bond shall not need registration in order to preserve the priority of such lien.

Agreement  
between the  
company and  
the Township  
of Norwich  
valid and lien  
of Township  
provided for.

## CHAPTER 51.

## An Act respecting the Prince Edward County Railway Company.

[Assented to 7th March, 1878.]

## Preamble.

WHEREAS the Prince Edward County Railway Company have petitioned the Legislature for certain amendments to their Act of Incorporation, passed in the session held in the thirty-sixth and thirty-seventh years of the reign of Her Majesty Queen Victoria, and chaptered seventy-three and sixty respectively, by extending the time for the completion of said railway, fixed by a by-law of the Corporation of the County of Prince Edward, passed on the thirteenth day of November, one thousand eight hundred and seventy-two, and to vary said by-law as to the amount of the bonus granted thereby, and as to the rails to be used in the construction of said railway, mentioned therein, and in other respects as set forth in a resolution of the said corporation, made on the twenty-first day of May, one thousand eight hundred and seventy-seven, and in an agreement under seal made between the said company and the said corporation, dated the second day of June, one thousand eight hundred and seventy-seven, and in a decree of the Court of Chancery in a certain suit wherein the said company are plaintiffs and the said corporation are defendants, dated the eighth day of September, one thousand eight hundred and seventy-seven, and to confirm said by-law as so varied by said resolution, agreement and decree, and by making certain other amendments; and whereas it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Time to complete railway extended.

1. The time fixed by the said by-law of the Corporation of the County of Prince Edward, passed on the thirteenth day of November, one thousand eight hundred and seventy-two, for the completion of said railway, is hereby extended until the fifteenth day of October, one thousand eight hundred and seventy-eight, and the said by-law shall not be deemed to have lapsed, nor shall the same lapse by reason of the said extension of time, or by reason of the said railway not being completed within the time by said by-law fixed for the completion of the same.

## Rails.

2. The rails to be used in the construction of said railway shall be such as may be approved of by an engineer appointed by the Governor in Council of the Province of Ontario, instead of the rails mentioned in said by-law.



3. The bonus of eighty-seven thousand five hundred dollars granted by the said by-law shall be reduced to the sum of sixty-thousand dollars; and all special rates and calculations mentioned in said by-law with respect to raising the said bonus of eighty-seven thousand five hundred dollars shall be so reduced and altered as to apply to the raising of the sum of sixty thousand dollars, instead of the sum of eighty-seven thousand five hundred dollars, in the way directed by the said by-law, and as if the said by-law took effect at the date of the taking effect of this Act; and the debentures to be issued for the said sum of sixty thousand dollars shall be issued forthwith in the way directed by the said by-law, and shall bear interest from the fifteenth day of October, one thousand eight hundred and seventy-eight, and be payable twenty years thereafter.

Bonus reduced.

Debentures.

4. The said by-law as hereby varied and all debentures to be issued as aforesaid under the same shall be and the same is and are hereby declared to have been and to henceforth be in full force, and legal, binding and valid upon the said corporation, ratepayers, and all others whomsoever, any law or statute to the contrary notwithstanding.

By-law of Nov. 13, 1872 valid.

5. And it is hereby declared that the condition in said by-law contained providing that the building of said railway should be commenced within nine months from the fifteenth day of November, one thousand eight hundred and seventy-two, and all other conditions and things mentioned in said by-law necessary to be performed or done by the said company under said by-law up to the time of the passing of this Act, have and each of them has been fully observed, performed and done by the said company within the times fixed for the performance thereof by said by-law in so far as is necessary in order to entitle the said company to receive the moneys granted by said by-law as hereby varied: And in order that the said company may be entitled to receive the said moneys or any part thereof it shall not be necessary to shew when the building of the said road was commenced, but it shall be held as final and conclusive against all persons and corporations that the same was commenced within the time fixed by said by-law, and also within the time fixed by an Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered sixty, intituled "An Act to amend the Act incorporating the Prince Edward County Railway Company."

Conditions of by-law dispensed with.

6. The councils of all corporations that, or any portion of which, have heretofore granted or may hereafter grant aid by way of bonus to the said company may by by-law extend the time for the commencement or completion of the said railroad beyond that stipulated for in the by-law or by-laws or in the by-law hereby varied granting such aid from time to time.

Corporations may extend time.

By-law of  
May 3, 1875,  
of Picton  
valid.

7. The by-law of the Town of Picton, passed on the third day of May, one thousand eight hundred and seventy-five, granting aid by way of bonus to said company, and the debentures to be issued under the same is and are hereby made valid, effectual and binding upon the said corporation, ratepayers, and all others whomsoever.

Resolution  
and agreement  
of Prince Ed-  
ward and  
decrees valid.

8. The said resolution of the corporation of the County of Prince Edward, passed on the twenty-first day of May, one thousand eight hundred and seventy-seven, the said agreement between the said corporation and the said company, dated the second day of June, one thousand eight hundred and seventy-seven, and the said decree of the Court of Chancery, dated the eighth day of September, one thousand, eight hundred and seventy-seven, and also another decree of the said Court of Chancery in said suit, dated the fifth day of October, one thousand eight hundred and seventy-six, are each declared to be good, valid, legal, binding and effectual from the time of the respective dates thereof, any law or custom to the contrary notwithstanding, save and except as the same may be varied by this Act.

Charter not to  
be forfeited  
for non-com-  
pletion.

9. The failure of the company to complete or finish the construction of said railway within the respective times limited for such purposes has not and shall not operate as a forfeiture of its charter, and notwithstanding such failure the corporate existence and power of said company shall continue.

Power to re-  
duce the  
Capital Stock.

10. The said Prince Edward County Railway Company are hereby authorized by a vote of a majority of the shareholders thereof, at a meeting to be held for that purpose and of which meeting not less than two weeks previous notice shall have been given in the *Ontario Gazette*, and in one or more of the newspapers published in Picton;

(1.) To reduce the capital stock of the said company by vote as aforesaid, from seven hundred thousand dollars, authorized in its charter to be issued for the section of said road, leading from Picton to the Grand Trunk Railway, to such sum not less than three hundred thousand dollars as may be deemed necessary to represent the actual cost thereof;

To create  
Preferred or  
Debenture  
Shares.

(2.) To constitute in manner aforesaid such part of the reduced shares as may be thought proper preferred or debenture shares, and to attach such privileges and conditions to said preferred or debenture shares as may appear desirable in order to promote the financial success of the said railway company;

To Reduce  
number of  
Directors.

(3.) To reduce by vote as aforesaid the number of directors mentioned in the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered sixty, to such lesser number not less than five as may seem proper.

## CHAPTER 52.

## An Act to incorporate the Saugeen Valley Railway Company.

[Assented to 7th March, 1878.]

**W**HEREAS the construction of a railway from a point in Preamble.  
 or near the Village of Mount Forest, in the County of Wellington, to a point in or near the Town of Walkerton, in the County of Bruce, has become desirable for the public convenience and accommodation of the inhabitants thereof; and whereas John McLay, David Moore, and others have petitioned that an Act may pass to construct the railway aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** John McLay, David Moore, Alexander Sproat and Charles Walter Stovel, all of the Town of Walkerton; James Brocelbank, and Benjamin Cannon, both of the Township of Brant; Albert Goetz and William Hales Clendening, both of the Township of Carrick; Alexander Sandfield McEdwards, John Weinert, Noah Wenger, Mortimer Lynch, and William Henry Ryan, all of the Township of Normanby; together with such persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the Saugeen Valley Railway Company. Incorporation and corporate name.

**2.** The several clauses of the Railway Act of Ontario, and also the several clauses thereof with respect to “interpretation,” “incorporation,” “powers,” “plans and surveys,” “lands and their valuation,” “highways and bridges,” “fences,” “tolls,” “general meetings,” “president and directors, their election and duties,” “calls,” “dividends,” “shares and their transfer,” “shareholders,” “powers of municipalities,” “by-laws, notices, &c.,” “working of the railway,” “actions for indemnities and fines and penalties and their prosecutions,” and “general provisions,” shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression “this Act” when used herein shall be understood to include the clauses of the said Railway Act of Ontario so incorporated with this Act. Railway Act to apply.

**3.** The said company shall have full power under this Act to construct a railway from any point in or near the Village of Mount Forest to a point in or near the Town of Walkerton, with full powers to pass over any portion of the country between the points aforesaid. Location o line.



Gauge

4. The said railway may be constructed of any gauge.

Form of conveyance of land, etc.

5. Conveyances of land to the said company for the purposes of, and powers given by this Act made in the form set out in the schedule "A" hereto annexed, or the like effect shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Registry.

Provisional Directors.

6. The said John McLay, David Moore, Alexander Sproat, Charles Walter Stovel, James Brocelbank, Benjamin Cannon, Albert Goetz, William Hales Clendening, Alexander Sandfield McEdwards, John Weinert, Noah Wenger, Mortimer Lynch and William Henry Ryan shall be provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the company equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided; and with all such other power as under the Railway Act and any other law in force in Ontario are vested in such boards.

Capital stock.

8. The capital of the company hereby incorporated shall be twenty-five thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into five hundred shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from

Application thereof.

the

the capital stock of the company or be allowed to it in payment of stock.

9. On the subscription for shares of the said capital stock each subscriber shall within three days thereafter pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors to the credit of the said company. Ten per cent. of stock to be paid up.

10. Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days. Subsequent calls.

11. The said provisional directors, or the elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payment in bonds or stock to Engineers, etc.

12. As soon as shares to the amount of ten thousand dollars of the capital stock of the company shall have been subscribed and ten per centum thereof paid into some chartered Bank having an office in the County of Bruce, which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company. When meeting for election of directors may be called.

13. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed. Payments of stock in full.

14. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than five hundred dollars of the capital stock, and who have paid up all calls thereon. Provisions in case of neglect to call meeting.

Notice of meeting to be in Ontario Gazette.

**15.** In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week for the space of at least four weeks; and such meeting shall be held at the Town of Walkerton, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof with such proxies as may be present shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act.

Election of directors.

By-laws.

General annual meetings.

**16.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place and on such days and at such hours as may be directed by the by-laws of the said company and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper once in each week for four weeks.

Special meetings.

**17.** Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company.

Shareholder's right to vote, etc.

**18.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him provided that no one shareholder shall be entitled to more than fifty votes at any meeting notwithstanding the amount of shares held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid at least one week before the day appointed for such meeting.

Qualification of directors.

**19.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

**20.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the directors.

Aid from municipalities

**21.** And it shall further be lawful for any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company by loaning or guaranteeing or giving money by



by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient: provided always, that when the said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for that purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts. Proviso.

**22.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act. Petitions for aid by county municipality.

**23.** In case fifty persons at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company and stating the amount they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality. Aid by other than county municipality.

(1.) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition:

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an equal annual

annual special rate as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalment and interest, said interest to be payable yearly or half-yearly.

Passing of  
by-law.

**24.** And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same.

When  
debentures  
may issue.

**25.** And within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Bonus granted  
by portion of  
municipality.

**26.** In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Municipal Act  
to apply.

**27.** The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality.

By-laws to be  
valid if the  
rate does not  
exceed three  
cents on the \$.

**28.** All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid.

Power to  
exempt from  
taxation.

**29.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law specially passed for that purpose to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessment to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Delivery of  
debentures to  
trustees.

**30.** Whenever any municipality shall grant a bonus to aid the said company in the making, equipping, and completion of the said railway the debentures, therefor shall within six weeks after the passing of the by-law authorising the same, be delivered to three trustees, namely :—One to be appointed by the said company, and one by a majority of the reeves and deputy reeves of all the municipalities or portions granting bonuses prior  
to

to the first day of January next, and one to be named by the Lieutenant-Governor in Council, provided that if the Lieutenant Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.

**31.** Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company, and in case any trustee die or resign his trust or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of the said company.

Trustee may be removed.  
Vacancies.

**32.** The act of any two trustees of such shall be as valid and binding as if the three had agreed.

Act of two trustees valid.

**33.** The said trustees shall receive the said debentures in trust: firstly to convert the same into money; secondly to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Province or Dominion, in the name of "The Saugeen Valley Railroad Company Municipal Trust Account," and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company, in the form set out in the schedule "B" hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees.

Trusts on which debentures to be held.

**34.** Any county in which is or are situate a township or portion of a township that shall grant a bonus or bonuses in aid of the said company shall be at liberty to take the debentures issued by such township or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

County may assume township debentures.

**35.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of said company, and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the property

Power to issue preferential bonds.



Rights of holders if interest in arrear.

Registry.

Proviso.

property of the said company, real and personal, then existing and at any times thereafter acquired, and each holder of the said bond, shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and the property of the company as aforesaid; and provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Power to become parties to notes, etc.

**36.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted, provided however that nothing in this section shall be construed to authorise the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Arbitration as to value of stone, sand, &c.

**37.** When stone, gravel earth or sand is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the roadway; and all the provisions of the Railway Act of Ontario as to the service of the said notice, arbitration, compensation, deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this

this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to to state the interest required.

**38.** When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relates to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to take gravel, &c.

Powers.

(2.) In estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Act respecting railways shall not apply.

**39.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Power to acquire whole lots.

**40.** The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered; Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fences.

**41** The said railway company shall at all times receive and carry cordwood, or any wood for fuel at a rate not to exceed for

Charges for carriage of cordwood.

for dry wood three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and-a-half cents per cord per mile from all stations under fifty miles in full car loads, and for green wood, at the rate of three cents per ton per mile.

Obligations as to carriage of Cordwood.

**42.** The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Dry wood.

**43.** Cordwood, or wood for fuel, cut before the first day of March, in any year, shall be deemed for the purposes of this Act dry wood by the first of October following and not before.

Commencement and completion.

**44.** The railway shall be commenced within two years, and completed within five years, or else the charter shall be forfeited as regards so much of the railway not completed.

Arrangements with running T. G. & B. railway.

**45.** The said company shall have power to make running arrangements with the Toronto, Grey and Bruce Railway company upon terms to be approved of by two-thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this Act.

Further arrangement with Toronto, Grey & Bruce Company.

**46.** It shall be lawful for the said company to enter into an agreement with the Toronto, Grey and Bruce Railway Company for the absolute sale to the last named company or for the leasing to them of the said Saugeen Valley Railway or any part thereof, or for the use thereof at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangement and agreements shall be approved of by two-thirds of the shareholders voting in person, or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity, according to the terms and tenor thereof, and the said Toronto, Grey and Bruce Railway Company accepting any conveyance or lease in pursuance of any such agreement shall have, and are hereby empowered to exercise all the rights and privileges conferred by this Act.



## SCHEDULE "A."

Know all men by these presents that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of dollars paid to me (or us) by the Saugeen Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant, release all that certain parcel (or those certain parcels *as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Saugeen Valley Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)  
 this                      day of                      one thousand eight hundred  
 and

Signed, sealed and delivered }  
 in the presence of }

[L.S.]

## SCHEDULE "B."

(See Section 33.)

## CHIEF ENGINEER'S CERTIFICATE.

Saugeen Valley Railroad Company's Office.

No.                      *Engineer's Department.*

187 .

Certificate to be attached to cheques drawn on the Saugeen Valley Railroad Company Municipal Trust Account, given under section                      of cap.                      Victoria.

I, A. B., Chief Engineer for the Saugeen Valley Railroad Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law, No.                      , of the Township of                      , (or under the agreement dated the                      day of                      , between the Corporation of                      and the said company), to entitled the said company to receive from the said trust the sum of                      (*here set out the terms and conditions, if any, which have been fulfilled*).

## CHAPTER 53.

## An Act to incorporate the St. Thomas Street Railway Company.

[Assented to 7th March, 1878.]

## Preamble.

**W**HEREAS certain persons have by their petition prayed that they may be incorporated under the title of "The St. Thomas Street Railway Company," for the purpose of constructing and operating Street Railways in the Town of St. Thomas and the adjoining Municipalities, and whereas it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation and corporate name.

**1.** Colin Munro, M. H. Taylor, Duncan McLarty, Elijah Moore and W. F. Ellis, all of the Town of St. Thomas, Esquires, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of the St. Thomas Street Railway Company.

## Capital.

**2.** The Capital Stock of the Company shall be twenty thousand dollars in four hundred shares of fifty dollars each.

## Commencement of operations.

**3.** The Company may begin to exercise the powers hereby granted as soon as five thousand dollars of the Capital shall be subscribed and ten per centum thereon paid up, but the Company shall commence the construction of the said Railway within one year from the passing of this Act, and shall commence to run cars upon the said Railway and work and operate said Railway in good running order within three years from the passing of this Act, otherwise this Act to be void and of none effect.

## Provisional directors.

**4.** Colin Munro, M. H. Taylor, Duncan McLarty, Elijah Moore and W. F. Ellis shall be Provisional Directors of the said Company to obtain subscriptions for stock and organize said Company, and shall hold office until the Election of Directors as hereinafter provided for.

## Election of Board of directors.

**5.** As soon as five thousand dollars of the capital stock has been subscribed and ten per centum thereon paid up, the shareholders shall proceed to the election of a Board of Directors for the said Company; and the provisional Directors, or a majority of them shall call a meeting of the shareholders for that purpose, first giving two weeks notice thereof by advertisement in some newspaper published in the Town of St. Thomas.

6. The Board of Directors shall consist of five directors to be determined at the meeting to be held as provided for in the preceding Section, each of whom shall be a shareholder of not less than two hundred dollars ; such election and every question voted on at such meeting shall be decided by ballot by a majority of the votes of the stockholders (who shall have paid all calls made upon the stock held by them) present in person or represented by written proxy ; each share to have one vote, the Directors so chosen shall immediately elect one of their own number to be President, which President and Directors shall continue in office for one year, and until others shall be chosen to fill their places as may be provided by the By-laws of the said Company ; and if any vacancy shall at any time happen by death, resignation or otherwise during said year in the office of President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year ; and the election of Directors shall take place annually, either on the anniversary of the day of the first election of Directors, or such other day as may be fixed by the by-laws as hereinafter mentioned.

Constitution  
of board.

President.

Vacancies.

Time of elec-  
tion.

7. The Company are hereby authorized and empowered to contract, complete, maintain and operate a double or single iron track Railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along such streets and highways within the jurisdiction of the Corporation of the Town of St. Thomas, and of any of the adjoining Municipalities as the Company may be authorized to pass along, under, and subject to any agreement hereafter to be made between the said Councils of the said Town and of the said Municipalities respectively, and the said Company, and under and subject to any By-laws of the said corporation of the said Town and Municipalities respectively or any of them made in pursuance thereof, and to take, transfer and carry passengers and freight upon the same by the force or power of animals or such other motive power as may be authorized by the Council of the said Town and Municipalities respectively by By-law to use, and to construct, and to maintain all necessary works, buildings, appliances and conveniences connected therewith.

Powers of  
Company.

8. The Directors shall have full power to make all By-laws and regulations for the management of the Company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business ; the management, collection of cash on its stock and forfeiture thereof, for non-payment ; and entering into arrangements and contracts with said Town or Municipalities ; the declaration and payment of dividends out of the profits of said Company ; the form and issue of stock certificates and the transfer of shares ; the calling of general and other meetings of the Company ; the appointment, removal and remuneration of all officials, agents, clerks, workmen

Powers of di-  
rectors.



men and servants of the Company; the fares to be received from persons; and freight transported over said Railway or any part thereof, and in general, to do all things that may be necessary to carry out the objects and the exercise of such powers incident to the Company: Provided that the fare shall not exceed for each passenger, five cents for carriage for any distance not more than three miles, within the limits of the Town of St. Thomas, and one cent additional per mile over three miles—the return ride to be charged for separately.

Limit of fares.

Stock to be  
personalty.

9. The stock of the said Company shall be deemed personal estate, and shall be transferable in such way as the Directors by By-law direct.

Powers to  
acquire prop-  
erty.

10. The Company may purchase lease, hold or acquire and transfer any real or personal estate necessary for carrying on the operations of the said Company.

Sleighs may  
be used

11. The Company may substitute sleighs for Railway Carriages during the winter months upon the road of their Railway.

Refusal to pay  
fares.

12. The above mentioned rate of fare shall be due and payable by every passenger on entering the car or sleigh, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine of not less than one, nor more than twenty dollars, recoverable upon conviction before any Justice of the Peace, having Jurisdiction, and upon default of payment of said fine and costs forthwith to imprisonment in the Common Gaol for a period of not more than thirty days.

Rails.

13. The Rails of the said Company shall be laid so as to cause the least inconvenience possible to general traffic consistent with the proper working of said Company and flush as near as practicable with the street, which shall be kept in proper repair between and for eighteen inches on each side of said rails, by, and at the expense of said Company, whose vehicles shall have the right of way on the track.

Repair.

Capital may  
be increased  
and power to  
borrow.

14. The Directors may, from to time, increase the capital stock of said Company for such amount or amounts as occasion may require, and also raise or borrow for the purpose of the Company, any sum or sums not exceeding in the whole at any time the actual amount of the capital stock *bona fide* subscribed and paid up by the issue of bonds or debentures in such sums of not less than one hundred dollars on such terms and credit as they may think proper, and may thereby pledge or mortgage all the property, tolls and income of the Company or any part thereof as may be expressed upon the face of any bond or debenture for the repayment of the moneys so raised  
or

or borrowed, and the interest thereon: Provided always, that the consent of two-thirds in value of the stock-holders of the Company present or represented by proxy at a special meeting to be called and held for either or both of the purposes aforesaid, shall be first had and obtained: Provided always, that the notice of the holding of such meeting shall be given in some newspaper published in the Town of St. Thomas at least, two weeks previous to the holding of such meeting. Proviso.

**15.** No stock-holder shall be personally liable for the promises, contracts, debts, undertakings, costs or liabilities of said Company beyond the amount remaining unpaid upon stock held by him, and to that extent only after the other assets, if any, of the said Company shall be realized upon. Liability of Stockholder.

**16.** The Council of the said Town and of any of the said adjoining Municipalities, or any of them, and the said Company are hereby respectively authorized to make, and enter into any agreements or covenants relating to the construction of the said Railway for the paving, macadamizing, repairing and grading of the streets and highways, and the construction, opening of, and repairing of drains and sewers, and the laying of gas and water-pipes in said streets and highways, the location of the Railway and the particular streets along which the same shall be laid, the patterns of rails, the time and speed of running the cars, the number of tracks, the time within which the road shall be commenced and the time of completion, and the non-obstructing or impeding of the ordinary traffic: Provided that the powers contained in this Act shall remain in abeyance until the agreements hereinbefore in this clause mentioned shall have been entered into and made, by and between the several parties hereinbefore mentioned. Powers to the town and adjoining municipalities.  
Proviso.

**17.** The said Town and the said Municipalities are hereby authorized to pass any By-law or By-laws, and to amend, repeal or re-enact the same for the purpose of carrying into effect any such agreement or covenants and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for enjoining obedience thereto, and also for the facilitating the running of the Company's cars and sleighs, and for regulating the traffic and conduct of all parties travelling upon the streets and highways through which the said Railway may pass. Town and municipalities empowered to pass by-laws.

**18.** The several clauses of the Railway Act of Ontario, with respect to the first and third clauses thereof, and also the several clauses of the said Act, with respect to, "interpretation," "incorporation," "general meetings," "calls," "shares and their transfer," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," (but no other clauses of the Railway Act), shall in so far only as the same are not inconsistent with, or repugnant to, any of the provisions of this Act, be Certain clauses of the Railway Act apply.

be incorporated with this Act; and the expression "this Act" when used herein shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are inconsistent with or varied by any of the provisions of this Act.

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## CHAPTER 54.

### An Act respecting the Stratford and Huron Railway Company.

[Assented to 7th March, 1878.]

Preamble.

**W**HEREAS the Stratford and Huron Railway Company, has petitioned that an Act may be passed to amend the several Acts, relating to the said company, and to extend the powers on it thereby conferred; and whereas, at a meeting of the shareholders of the said company, duly called for that purpose, holden on the twenty-sixth day of March, one thousand eight hundred and seventy seven, the directors of the said company were, under and by virtue of the seventeenth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, authorized to accept, enter into and execute a contract, then produced and approved with Messrs Fuller, Tisdale, Wright, and Clark, for the construction of the line of its railway, from the Town of Stratford, to the Town of Listowel, which said contract bears date the twenty-sixth day of March, one thousand eight hundred and seventy-seven: and whereas, at the said meeting, the said directors were authorized to divide the bond issue into first and second preference bonds, to limit the issue of first preference bonds to seven thousand five hundred and fourteen dollars, or its equivalent in sterling money of Great Britain, per mile, for each mile in length of the said railway, to issue such first preference bonds to the amount aforesaid, with coupons attached thereto for payment of interest thereon half-yearly, at the rate of six per centum per annum, the said bonds to be made payable to bearer in twenty years from the first day of July one thousand eight hundred and seventy-seven, in sterling money of Great Britain, at such place or places either in Great Britain or Canada, and of such denomination or denominations as the directors should determine, to declare that the first bonds issued by the said company to the amount of two hundred and two thousand eight hundred and seventy dollars or its equivalent in sterling money aforesaid should form, be taken, and considered to be the first and preferential claims and charges upon the undertaking and property of the company, real and personal, then existing, and at any time thereafter acquired, in the said Town of Stratford and the Town of Listowel, and between those places,  
prior



prior to and in preference of all other bonds thereafter issued or to be issued by the said company: and whereas, at a meeting of the directors of the said company, duly called for that purpose, and holden on the twenty-sixth day of March, one thousand eight hundred and seventy-seven, the said directors divided the said bond issue into first and second preference bonds, limiting the issue of the first preference bonds to seven thousand five hundred and fourteen dollars, or its equivalent in sterling money of Great Britain, per mile, for each mile in length of the said railway, and declared that the first bonds issued or to be issued by the said company, to the amount of two hundred and two thousand eight hundred and seventy dollars, or its equivalent in sterling money of Great Britain, should form, be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the company, real and personal, and then existing and at any time thereafter acquired in the said Town of Stratford, and the said Town of Listowel, and between these places: and whereas, at a meeting of the said directors, holden on the fifth day of April, one thousand eight hundred and seventy-seven, the said contract of the said company, with Messrs. Clarke, Wright, Fuller, and Tisdale, for the construction of the said line of railway, from Stratford to Listowel was approved of by the said directors and directed to be executed by the said company, and at the same meeting the said directors authorized the president and secretary and treasurer of the said company, to have prepared and ready for issue first preference bonds, to the amount of two hundred and two thousand eight hundred and seventy dollars, or its equivalent in sterling money of Great Britain, with proper coupons attached for payment of interest half-yearly, at six per centum per annum, said bonds to be made payable to bearer twenty years from the first day of July, one thousand eight hundred and seventy-seven, in sterling money of Great Britain, at such place or places in Great Britain or Canada, and in such denomination or denominations as the president and secretary and treasurer should see fit to designate in such bonds, and to be numbered consecutively from one upwards, which action and resolution of the said directors were confirmed and approved at a meeting of the said directors duly called for that purpose, holden on the ninth day of April, one thousand eight hundred and seventy-seven: and whereas at a special general meeting of the shareholders of the said company, duly called for that purpose, holden on the fourteenth day of May, one thousand eight hundred and seventy-seven, the capital stock of the said company was increased to the sum of two hundred thousand dollars in all; and the said directors were authorized to issue paid up stock and scrip therefor, to the extent of one hundred and fifty thousand dollars, and deliver the same to Messrs. Clark, Wright, Fuller and Tisdale, under the statute of the last session according to the terms of the said contract: and whereas, at a meeting of the said directors, duly called for that purpose, and holden on the fourteenth day of

May,

May, one thousand eight hundred and seventy-seven, the president and treasurer were authorized to make payment of cash and bonds and paid up stock, from time to time on the certificate of the engineer, in accordance with the contract made between the said company and the said contractors, for the construction of the said line from Stratford to Listowel, and that the president and secretary and treasurer should deliver such paid up stock and scrip therefor, to the amount of one hundred and fifty thousand dollars, according to the terms of the said contract, to the said contractors Messrs. Clarke, Wright, Fuller and Tisdale : and whereas, the said contract was duly executed by the said company and the said Clarke, Wright, Fuller and Tisdale : and whereas the said bonds, to the amount or extent of two hundred and two thousand eight hundred and seventy dollars, at the meeting of directors holden on the fifth day of April, one thousand eight hundred and seventy-seven, ordered to be prepared and issued, were so prepared and issued, and the same were, to the amount or extent last aforesaid, in accordance with the authority of the said meeting of the said directors, holden on the fourteenth day of May, one thousand eight hundred and seventy-seven, delivered to the said Messrs. Clarke, Wright, Fuller and Tisdale, who had become entitled thereto in respect of the performance of the said contract : and whereas paid up stock, to the amount of one hundred and fifty thousand dollars, and scrip therefor were duly issued, allotted and delivered to the said Messrs. Clarke, Wright, Fuller and Tisdale, who had become entitled thereto under and by virtue of the said contract : and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**Interpretation  
clause.**

1. In the construction of this Act, the words "The Company," shall mean the Stratford and Huron Railway Company ; the words "The United Company," shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the company purchasing the railway property and rights of the other company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last mentioned Act ; and the words "The Railway," shall mean the railway of the Stratford and Huron Railway Company, and the words "majority and majorities and two-thirds," shall mean majority and majorities and two-thirds in value unless the context require a different interpretation of the words hereby interpreted.

**Action and  
resolution of  
shareholders  
and directors  
confirmed.**

2. The action and the resolution of the shareholders and directors of the company respectively, as set out, described, and mentioned in the above recitals thereof, are hereby confirmed, and

are

are declared to have been, and to be legal, valid, and binding, and the meetings aforesaid, whether of such shareholders or directors, are hereby declared to have been properly and lawfully called and held.

3. The contract between the company and Messrs. Clarke, Wright, Fuller, and Tisdale, in the above recital referred to, is hereby confirmed and declared valid and binding, and it is declared that the same was properly entered into, and that the paid up stock and bonds in the said recitals mentioned as issued, were properly and lawfully so issued, and that the same are respectively valid and binding.

Contract for construction of railway confirmed. Issue of bonds and paid up stock confirmed.

4. The allotment and delivery of the said paid up stock, and the delivery of the said bonds to the said Messrs. Clarke, Wright, Fuller, and Tisdale, as mentioned and set out in the said recitals, are hereby confirmed, and declared to have been, and to be lawful allotments and deliveries thereof respectively: and the said Messrs. Clarke, Wright, Fuller, and Tisdale, are hereby declared to hold the same respectively, with all the rights, privileges, and immunities conferred on shareholders whose shares have been fully paid up, and of bondholders, by this and all former Acts relating to the said company.

Allotment and delivery to contractors of paid up stock and bonds confirmed.

5. The said bonds are hereby declared to have been issued under and in pursuance of the twenty-fifth section of an Act, passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, and to be the bonds therein referred to, and to have the effect therein provided, and to confer on the holders thereof the powers, privileges, rights, liens, priorities and preferences mentioned in the said section, as if such bonds had then been issued and were expressly referred to and described therein as the first bonds issued by the company as therein provided, to the exclusion of all other bonds thereafter issued or to be issued.

Bonds declared to be under 40 Vic. cap. 79, sec. 25.

6. The directors are hereby authorized and empowered, with the sanction of the shareholders first obtained at any special general meeting of the shareholders, duly called for that purpose, by resolution to declare that bonds hereafter issued by the company, for an amount not exceeding in the whole the sum of one hundred and twenty-one thousand and five hundred dollars, or its equivalent in sterling money of Great Britain, shall be, and form, and be taken and considered to be claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired, in the said Town of Stratford, and the Town of Listowel, and between the said towns, subsequent and postponed to the bonds mentioned in the fifth section of this Act, and also to all bonds hereafter issued to redeem the bonds mentioned in the said fifth section or in renewal thereof, but prior to and in preference of all other bonds thereafter issued

Power to issue second preference bonds for \$121,500, under 40 Vic. cap. 79, sec. 25.



## Lien.

issued or to be issued by the company ; and, upon such resolution being passed by the said directors after such sanction as aforesaid, the bonds thereafter issued or to be issued by the company, to the extent and amount mentioned in the said resolution, shall, in addition to the liens, claims, charges and encumbrances created and granted by the third, fourth and fifth sections of an Act passed in the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, form, and be taken and considered to be liens, claims and charges upon the undertaking and property of the company, real and personal, and then existing, and at any time thereafter acquired in the said Towns of Stratford and Listowel and between the said towns, prior to and in preference of all other bonds thereafter issued by the company, but subsequent and postponed to the bonds in the fifth section of this Act mentioned ; and each holder of the bonds sanctioned by this section shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and encumbrance, *pro rata* with all other holders of such last mentioned bonds, upon the undertaking and property of the company, real and personal, and then existing, and at any time thereafter acquired in the said Towns of Stratford and Listowel or between the said towns ; and, as between the bonds authorized by this section and the holders thereof, and all other bonds which shall thereafter be issued by the company and the holders thereof, except the bonds in redemption or renewal of the bonds already issued as aforesaid and the holders thereof, the former, (the bonds authorized by this section), shall take rank and priority and form encumbrances, charges and liens upon the undertaking and property of the company, real and personal, and then existing, and at any time thereafter acquired in the Towns of Stratford and Listowel and between the said towns, immediately after the bonds mentioned in the fifth section of this Act, and immediately before and prior to all other bonds which shall thereafter be issued by the company, except the bonds issued in redemption or renewal of the bonds already issued as aforesaid, and not equally or simultaneously with them or any of them.

Sidings,  
switches and  
branch lines  
declared sub-  
ject to lien of  
bonded debt.

7. The directors are hereby authorised for the purpose of issuing bonds under this Act and former Acts relating to the company, to consider and treat the sidings, switches, or branch lines of railway, and each of them which shall be constructed under the provisions of the twenty-eighth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and any amendments thereof or which shall be constructed under any statute of the Province of Ontario, authorising such construction, as part of the line of railway by the said statutes or any of them, authorised to be charged with a bonded debt ; and, subject to the provisions of this and former statutes relating to the company, may issue bonds in respect of the mileage thereof as if part of the main line of the railway: Provided always, that all such sidings,

Powers to is-  
sue bonds.

Proviso.

ings, switches or branch lines joining the main line of the railway within the Towns of Stratford and Listowel, and between those towns, shall be treated and considered as subject to the provisions of section twenty-five of the said Act, passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and to the fifth and sixth sections of this Act, so that the bonds issued or to be issued under and by virtue of or confirmed by the said sections or any of them, shall form charges, liens, and encumbrances upon the said sidings, switches or branch lines, as if part of the main line in the said towns, or between them, without however affecting the rank, preference and priority of such bonds, as between the two classes thereof and the holders of each class.

8. It shall be lawful for the directors of the company, at any time hereafter, with the assent of two thirds of the holders of each class of the bonds of the company, at such time issued, to call in and cancel all the bonds of the company then issued and to issue therefor, and in the place and stead thereof other bonds of the company, payable at the place or places, at the time or times and in the manner, and with such rate of interest as may be agreed on by the said two-thirds and directors; and either to divide the bonds to be issued after such calling in and cancellation into the two classes of first and second preference bonds, or allowing them, if of the said two classes, to remain of such classes, or consolidate them, if of the said two classes, into one of the said classes of bonds, and deliver to the bondholders where bonds have been so called in and cancelled, new bonds to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount, and of such of the said two classes, or all of the one class as may be agreed on as aforesaid; and the company shall cease to be liable upon the bonds so called in and cancelled as aforesaid, where the holders thereof shall have delivered up the same to the said directors, and shall have received therefor and in the place and stead thereof such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the new bond issue under the sanction of the said agreement, to the extent or amount which, according to the terms of the said agreement, and as provided thereby, will be the equivalent of the bonds so retained, and, to that extent or amount, the holders of the bonds so retained shall hold the same precisely in all respects as if the bonds so retained had been exchanged for the said new bonds authorised by the said agreement, and as if they held the said last mentioned bonds and no others, and shall have and claim no further, greater or other rights under and by virtue of the bonds so by them retained and held than if they had accepted and received the new bonds by the said two-thirds agreed to be substituted therefor: Power to call in, cancel and exchange bonds. Provided always, that no new bonds by this section authorised to be issued and delivered shall

shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid ; and that, in no case, shall the total bond issue exceed twelve thousand dollars per mile for each mile in length of the railway, including sidings, switches, or branch lines of the nature and kind mentioned in section seven of this Act: Provided also, and it is hereby declared to be the intention of this section, that the special powers to call in cancel and exchange the bonds of the Company by this section conferred on the Directors and two-thirds of each class of bondholders in this section mentioned, shall only be exercised once.

Power to call in, cancel and exchange bonds of S. & H. and Pt. D & L. H. Railway Companies.

9. It shall be lawful for the directors of the united company, at any time after the constitution of the united company with the assent of two-thirds of the holders of each class of the bonds of the Stratford and Huron Railway Company, and also with the assent of two-thirds of the holders of each class of the bonds of the Port Dover and Lake Huron Railway Company issued at any time before the united company shall be constituted, to call in and cancel all the bonds of each of the said companies, then issued, and to issue therefor and in the place and stead thereof, bonds of the united company, payable at the place or places, at the time or times, and in the manner, and with such rate of interest as may be agreed on, by the said two-thirds of the bondholders of each company, and the directors of the united company, and either to divide the bonds of the united company so to be issued into the two classes of first and second preference bonds, or allow them, if of the said two classes, to remain of such classes or consolidate them, if of the said two classes, into one of the said classes of bonds, and deliver to the bondholders where bonds have been so called in and cancelled, bonds of the united company to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount and of such of the said two classes or all of the one class as may be agreed on as aforesaid ; and each of the said companies and the united company shall cease to be liable upon the bonds so called in and cancelled as aforesaid, where the holders thereof shall have delivered up the same to the directors of the united company, and shall have received therefor and in the place and stead thereof such new bonds as shall have been agreed upon as aforesaid ; and, where the same shall not have been delivered up to the said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the said bond issue of the united company under the sanction of the said agreement, to the extent or amount which according to the terms of the said agreement and as provided thereby, will be the equivalent of the bonds so retained ; and, to that extent or amount, the holders of the bonds so retained shall hold the same precisely in all respects as if the bonds so retained had been exchanged for the bonds of the united company sanctioned by the said agreement, and as if they held the said last mentioned bonds and no others, and shall have and claim



claim no further, greater, or other rights under and by virtue of the bonds so by them retained and held than if they had accepted and received the new bonds by the said two-thirds agreed to be substituted therefor as aforesaid: provided always, that no bonds of the united company, by this section authorized to be issued and delivered, shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid: provided also, that the total bond issue of the united company may extend to but shall not exceed twelve thousand dollars per mile for each mile in length of its railway, including sidings, switches, or branch lines of the nature and kind mentioned in section seven of this Act.

Proviso.

**10.** The special liens and the preferences and priorities conferred by the twenty-fifth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, chaptered seventy-nine, and by the sixth section of this Act, and referred to and mentioned in the fifth section thereof, upon the bonds of the company therein referred to, shall not be affected or impaired by any exchange thereof under sections eight and nine of this Act or either of them; but the said special liens, preferences and priorities shall attach and belong to the bonds which may be so issued in substitution or exchange, and shall be held, enjoyed and exercised by the holders thereof and of the bonds which are retained instead of being delivered up cancelled and exchanged, under the said sections eight and nine, or either of the said sections, either *pari passu* and without preference or priority the one to the other, in case, under the said sections eight and nine of this Act or either of the said sections, the bonds at any time issued and delivered in substitution or exchange, or, by the agreement therein mentioned directed so to be, are all of the one class, or, observing and retaining the preferences and priorities of the classes of first and second preference bonds, in case by the said agreement, it is provided that the issue of bonds in substitution and exchange shall be divided into the two classes of bonds.

Exchange not to effect special liens under 40 Vic. cap. 79, sec. 25, and sec. 6 of this act.

**11.** It shall be lawful for the directors of the united company, at any time after the constitution of the united company with the assent of two-thirds of each class of the bondholders of the Stratford and Huron Railway Company, and two-thirds of each class of bondholders of the Port Dover and Lake Huron Railway Company, or, if the bonds of the last mentioned companies shall have been exchanged for bonds of the united company, or have become, under section nine of this Act, part of a bond issue of the united company, then with the assent of two-thirds of each class of bondholders of the united company, at any time by resolution, to declare that any bonds which shall have been authorized to be issued under section nine of this Act in substitution and exchange for outstanding bonds, and whether issued before or after the passing of such resolution shall be, and form, in addition to the general liens, claims, charges and encumbrances

Power to declare bonds of united company a lien on a portion of its railway.

branches created and granted by the statutes affecting each company, or the united company, the first and preferential claims, liens, charges and encumbrances upon the undertaking and property of the united company, real and personal, and then existing, or at any time thereafter acquired, in the Town of Listowel and the Village of Port Dover, and between the said town and village, prior to and in preference of all other bonds thereafter to be issued by the united company; and upon such resolution being passed by the said directors after such assent as aforesaid, the bonds of the united company theretofore or thereafter issued under the provisions of section nine of this Act in substitution or exchange for outstanding bonds and the bonds retained, but, by the provisions of section nine of this Act, forming part of the bond issue in substitution or exchange as aforesaid in the said resolution mentioned, shall, in addition to the general liens, claims, charges and encumbrances created and granted by the statutes relating to either company or the united company, form and be taken and considered to be the first and preferential liens, claims, charges and encumbrances upon the undertaking and property of the company, real and personal, and then existing and at any time thereafter acquired, in the said Town of Listowel and the Village of Port Dover and between the said town and village; and each holder of any of the bonds mentioned in the said resolution shall, in addition to all other the general powers, privileges and rights, by the statutes relating to either company or the united company conferred on bondholders, be deemed to be a mortgagee and an encumbrancer pro rata with all the other holders of the said bonds mentioned in the said resolution and issued in substitution or exchange for outstanding bonds, under section nine of this Act, and with the holders of the bonds retained, but, by the provisions of the said section nine, forming part of the bond issue in substitution or exchange as aforesaid in the said resolution mentioned, upon the undertaking and property of the united company, real and personal, and at the time of the passing of the said resolution existing and at any time thereafter acquired, in said Town of Listowel and the said Village of Port Dover and between the said town and village; and, as between the bonds mentioned in the said resolution and so issued in substitution or exchange or retained by the holders, but forming part of the bond issue in substitution or exchange as aforesaid in said resolution mentioned, and the holders thereof and all other bonds which shall thereafter be issued by the united company and the holders thereof, the former, (the bonds mentioned in the said resolution and so issued in substitution or exchange or retained by the holders, but forming part of the bond issue in substitution or exchange as aforesaid in the said resolution mentioned), shall take rank and priority and form encumbrances, charges and liens upon the undertaking and property of the united company, real and personal, and at the time of passing the said resolution, existing and at any time thereafter acquired, in the said Town of Listowel and the said Village

Village of Port Dover and between the said town and village, immediately before and prior to all other bonds which shall thereafter be issued by the united company and not equally or simultancously with them or any of them.

**12.** Nothing in the preceding section contained shall affect the rank, preference, or priority of the two classes of first and second preference bonds, if the bonds so issued or to be issued in substitution or exchange shall be of those two classes, as between such two classes of bonds and the holders thereof; but the special lien by the preceding section granted to all such bonds shall attach thereto, and be held and enjoyed by the holders thereof according to the rank, preference and priority of the said two classes of bonds: Provided that the special lien conferred by the twenty-fifth section of an Act passed in the fortieth year of the reign of Queen Victoria, and chaptered seventy-nine, and by section six of this Act, shall, on the passing of the resolution in the preceding section mentioned merge in the special lien by the preceding section conferred.

Priorities of bonds not to be effected thereby.

**13.** In case the United Company shall enter into an arrangement or lease with any other railway company, or companies, lawfully empowered to do so, for the leasing or working of the railway of the United Company, the bonds of the Stratford and Huron Railway Company, and of the Port Dover and Lake Huron Railway Company, if not then exchanged for, or, if then held as part of an issue of bonds of the United Company under section nine of this Act, and the bonds of the United Company, shall, without registration or formal conveyance, be and be taken and considered to be, first and preferential claims and charges upon the rent or money in the nature of rent or any other moneys which may be payable to the United Company, under any such lease or arrangement for securing the payment of the interest on such bonds, and of such portion of the principal thereof as may become due and payable during the term of such lease or arrangement: Provided always, that the rank, preference, and priority of first and second preference bonds and of the holders thereof, as between themselves and the said two classes of bonds, shall extend to this section and every matter and thing herein contained: Provided also, that each class of the bonds of each of the said companies, if not then exchanged for bonds of the United Company, or become part of an issue of bonds of the United Company in substitution and exchange for outstanding bonds of either of the said companies under section nine of this Act, shall, as amongst all bonds of either of the two Companies of the same class, and the holders thereof, have rank, priority, and preference, equally, and not, either wholly or in part, in priority the one to the other in respect of the preferential claims, charges and liens upon the rent or money in the nature of rent or any other moneys which may be payable to the United Company, under any such lease or arrangement aforesaid; and the special lien conferred by

Bonds when to form the first charge on rent.

Proviso.



by section twenty-five of the said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the sixth section of this Act shall, if once created, subject to the rank and preference of the two classes of bonds in said sections mentioned, apply to all rent or money in the nature thereof, and all other moneys which may be payable to the Company under any such lease or arrangement as is mentioned in section five of said chapter seventy-nine, and the special lien conferred by section eleven of this Act shall, if once created, subject to the rank and preference of the two classes of bonds in said last mentioned section mentioned, apply to all rent or money in the nature thereof, and all other moneys which may be payable to the United Company under any such lease or arrangement as is mentioned in this section.

40 Vic. chap.  
79, sec. 7,  
amended.

**14.** Section seven of the Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended by inserting immediately after the words, "of subscription or," in the third line of such section, the words, "from them or their assigns," and by inserting immediately after the word "subscribers," in the sixth line thereof, the words, "or his assigns."

Confirmation  
of issue of  
paid up stock.

**15.** Any share or shares heretofore issued or allotted by the Company, as of the paid up capital of the Company, shall be deemed and taken to be paid up in full to all intents and purposes whatever, as fully and effectually as if the same had been fully paid for in money.

40 Vic., cap.  
79, sec. 9 am-  
ended.

**16.** Section nine of the Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended by adding thereto, immediately after the last words thereof, the words "and the rates and charges for carriage of all freight carried by the said company, or tendered to the said company for carriage, any thing in this or any former Act relating to the said companies or either of them to the contrary notwithstanding."

36 Vic., cap.  
87, sec. 36 am-  
ended.

**17.** Section thirty-six of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, is hereby amended by striking out all that portion of the said section which precedes the words "to enter" in the third line thereof, and substituting therefor the words following: "If at any special general meeting of the shareholders and bondholders of the said company called for that purpose, published and notified as prescribed by the provisions of the statutes affecting the said company relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting present in person or by proxy consent thereto, it shall be lawful for the directors of the said company:" and by striking out the words "in the Province of

Ontario,

Ontario, whose line may connect with such road," in the fourth and fifth lines of the said section, and substituting therefor the words "or Companies which is or are lawfully empowered to enter into such agreements."

**18.** A certain agreement between the Corporation of the County of Perth and the Stratford and Huron Railway Company, bearing date the twenty-fourth day of November, one thousand eight hundred and seventy-four, in pursuance of a by-law of the Municipal Council of the County of Perth, numbered one hundred and ninety-one; a certain agreement between the corporation of the Town of Stratford and the company, bearing date the fourth day of January, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said town, numbered one hundred and seventy; a certain agreement between the corporation of the Township of Mornington and the company, bearing date the fourth day of January, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said township, numbered one hundred and ten; a certain agreement between the corporation of the Township of Elma and the company, bearing date the third day of February, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said Township of Elma, numbered one hundred and fifty two; and two certain agreements between the corporation of the Town of Listowel and the company, bearing date respectively the fourth day of January, one thousand eight hundred and seventy-seven, and the sixth day of April, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the Town of Listowel, numbered seven, are hereby declared to have been properly and lawfully entered into, and to have been and to be legally valid and binding.

Agreement between certain municipalities and railway company confirmed.

**19.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial surveyor, to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitrators, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the right of way; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple

Power to take material for construction or maintenance.

simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to lay tracks to where material taken.

**20.** When said gravel, stone, earth or sand shall be taken under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such material shall be found, whatever the distance may be; and all the provisions of the Railway Act, and of the special Acts relating to said company's Act, except such as relates to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and in the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway:

(2.) In estimating the damage for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Act respecting Railways shall not apply.

40 Vic.  
cap. 79, sec. 5  
amended.

**21.** The fifth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by striking out the words, "and is or are subject to the authority of the Legislature of this Province," in the fourth and fifth lines thereof.

40 Vic. cap.  
79, sec. 15  
amended.

**22.** The fifteenth section of the last above-mentioned Act is hereby amended by inserting, immediately after the last word thereof, the words, "or in exchange or substitution therefor."

40 Vic. cap.  
79, sec. 1  
amended.

**23.** The first section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by striking out the words, "through which the railway runs," in the tenth line thereof, and substituting therefor the words therein, "wherein some portion of the line of the said railway company is actually constructed or under construction."

By-laws Nos.  
117 and 118 of  
Mornington  
confirmed.

**24.** A by law in the Township of Mornington, in the County of Perth, numbered one hundred and seventeen, entitled a by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of four thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon; and a by-law of the said township,



township, numbered one hundred and eighteen, and entitled a by-law to aid and assist the Stratford and Huron Railway Company by granting thereto the sum of fifteen hundred dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon, and all debentures issued under them and each of them, shall be, and are hereby declared to be good, valid, legal, binding and effectual, and the said debentures and by-laws, and each and every of them shall be held to have been good, valid, legal and binding from the time of the issue and passing thereof respectively, any law, usage or custom to the contrary notwithstanding

**25.** The Company may build or construct a branch line, switch or siding from Millbank station on the line of the Company's Railway as now constructed to Millbank Village, in the County of Perth, under the provisions of section twenty-eight of the Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, without giving the notice in and by said section mentioned and required, as fully and effectually, and with the right to exercise and enjoy all the powers, rights, authorities and privileges by the said section conferred and granted, as if the said notice had been or should be given; and the Company shall submit the maps and plans indicating the location of such branch, line, siding or switch, to the Lieutenant-Governor in Council, and obtain his approval thereof, and upon such approval deposit such maps and plans in the Registry Office for the County of Perth; and such approval and deposit shall be a sufficient compliance with the provisions of said section twenty-eight in reference to the approval and deposit of such maps and plans.

Millbank  
Branch.

**26.** The failure of the Company to complete or to finish and put in operation any part of the line of railway it has been authorized or empowered to construct within the time or times now or hereafter limited for such purpose, shall not operate as a forfeiture of its charter, and notwithstanding such failure, the corporate existence and powers of the Company shall continue, except in so far as it relates to such portion of the line of the railway authorized as shall be unfinished within the time limited, or which shall be limited for that purpose.

Charter not to  
be forfeited  
for non-com-  
pletion of rail-  
way.

**27.** The provisions of section six of the said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, subject to any amendments thereof heretofore or hereafter made, shall apply to any and all bonds which have been or shall hereafter be issued by the Company or the United Company: Provided always, that the total amount of the said bonds if those of the Company shall not exceed twelve thousand dollars per mile for each mile in length of the railway of the Company, and if those of the

Sec. 6 of 40  
Vic. chap. 79,  
applied to  
bonds.

United

United Company, twelve thousand dollars for each mile in length of the railway of the United Company, in either case including sidings, switches, and branch lines, of the nature and kind mentioned in section seven of this Act, anything contained in said section six to the contrary notwithstanding.

Directors have powers to make contracts, appointing officers of the board, &c.

**28.** The Board of Directors shall have full power by resolution, by-law or otherwise, to enter into all contracts for appointing, engaging or hiring, officers and servants for the Company, including a Managing Director and Solicitor, to fix and pay out of the Company's money such sums by way of salary or other remuneration to any officer, employee or servant, at any time in the Company's service as to the Board may seem meet; and the Managing Director may be a member of the Board, notwithstanding he is paid; and any unpaid official or officer of the Company may be a member of the Board of Directors.

Snow fences.

**29.** The said Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law, in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Provision in case special lien attach to bonds of the United Company.

**30.** If the special lien conferred by section eleven of this Act shall have once attached to any bonds of the United Company, such special lien shall attach to any and all bonds at any time, and from time to time thereafter issued by the United Company in re-issue or renewal thereof, or in exchange therefor under the provisions of section twenty-seven of this Act, and section six of the said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, in as full and ample a manner as such special lien attached to the bonds upon which such special lien first attached, subject, however, to the provisions of section twelve of this Act, in reference to the rank, preference and priority of the two classes of first and second preference bonds.

40 V. c. 79,  
s. 10 amended.

**31.** Section ten of said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by inserting after the word "shareholders" in the third, eighth, thirteenth, sixteenth and nineteenth lines thereof the words, "and holders of bonds," and by striking out of the fifth line thereof the word "such," and inserting in such fifth line after the word "meetings" the words "of shareholders," and by inserting after the word "majority," in the ninth and twelfth lines thereof, the words "in value,"

value," and by inserting after the words "votes of the," in the ninth line thereof, the words "of the members of such meeting present," and by striking out of the ninth and tenth lines thereof the words "shareholders attending the same."

**32.** Section sixteen of said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended by inserting after the word "shareholders," in the first line thereof, the words "and holders of bonds." 40 V. c. 79, s. 16 amended.

**33.** Nothing in this Act contained shall impair or affect the special lien of the Corporation of the Township of North Norwich, under the twenty-sixth section of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered fifty-seven, and confirmed by the special Act passed during this present session respecting the same. Lien of the Township of North Norwich.

**34.** Nothing in this Act contained shall alter or contravene the force and effect of any agreement heretofore made or entered into and now existing between the said Stratford and Huron Railway Company or the said Port Dover and Lake Huron Railway Company, and any of the Municipalities which have contributed by way of bonus towards the construction of the said Railways or either of them, but said agreements shall continue in all respects to be and are hereby declared binding upon the said Railway Companies, respectively, and upon the said the united company by union, purchase of property and rights or otherwise: Provided always, that in case of any such agreements or parts thereof being inconsistent or conflicting with each other, and of differences arising in respect thereof between such united company and any or either of such Municipalities, all such matters of difference shall from time to time be referred to the arbitrament of a majority of arbitrators, of whom one shall be named by the said united company and two by the Municipalities interested, each party naming one, and two named by any judge of either of the Superior Courts of Law or Equity, and that such award shall be enforceable in like manner as awards made under the Railway Act of Ontario, or as may be ordered by any decree or rule of Court. This Act not to affect certain agreements as to municipalities bonuses.

**35.** All sections and parts of sections of the Acts of the Legislature heretofore passed, in reference to the Company, inconsistent with this Act, are hereby repealed. Inconsistent enactments repealed.



## CHAPTER 55.

## An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

[Assented to 7th March, 1878.]

Preamble.

**W**HEREAS the Toronto, Grey and Bruce Railway Company have petitioned for an Act to amend the several Acts relating to the said Company, and for certain other purposes in the said petition set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Postal bonds.

**1.** The company may issue bonds to be secured on all moneys to be received by the company from the Dominion and from Her Majesty's Imperial Government for postal services, and for the conveyance of troops, military stores, and munitions of war; and the said bonds and the interest thereon shall be a first charge on such moneys; and such moneys shall be appropriated solely to the payment of such bonds and the interest thereon; such bonds so to be issued shall be called postal bonds.

Terms upon which postal bonds may be issued.

**2.** Such postal bonds shall not be issued except with the consent of the holders of the first mortgage bonds and debenture stock who shall have registered their bonds and stock and transfers thereof pursuant to the provisions of the thirteenth section of the Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-six, such consent to be given by at least two-thirds of the votes of such bond and debenture stockholders present in person or by proxy at any meeting of such bond and stockholders to be called by the said Company by notice to be given once a week for four weeks in a daily newspaper published in Toronto, and once a week for four weeks in a daily newspaper published in London, in England; and such meeting shall be held at the general offices of the Company in Toronto, on the day and at the hour to be fixed by such notice, being not less than six weeks after the date of the first appearing of the said notices of the paper in London; and at any such meeting each person to have one vote for each hundred pounds sterling amount of the bonds or debenture stock held by them.

Second mortgage bonds.

**3.** The directors of the company, after the sanction of the shareholders shall have been first obtained at any special meeting to be called from time to time for such purpose, shall have power to issue bonds to be called second mortgage bonds, in such amounts and manner, on such terms, and subject to such conditions,

conditions, and with such rights and privileges as the directors from time to time may think proper and convenient; and such bonds shall be without any preference of one above another by reason of priority of date of issue or otherwise howsoever: the principal sum of all bonds to be issued, as well as the interest payable thereon, shall be payable in the same manner, on the same terms, and at the same time.

4. The said second mortgage bonds shall have co-ordinate lien, and, without registration or formal conveyance, shall be a mortgage and charge next after the debenture stock and terminable bonds which the said company is empowered to issue by the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered fifty six, section two, upon the railway, upon the undertaking, and upon all the real property of the company, and its rolling stock and equipments then existing and at any time thereafter acquired, together with the franchises of the company.

Second mortgage bonds to be next charge after debenture stock, &c.

5. Provided always that the second mortgage bonds which the company shall have power to issue as aforesaid, shall never exceed the amount from time to time of bonuses which shall, subsequent to the first day of January in this present year be granted to the said company by municipalities, or from other sources; and any loan made to the company by any municipality upon the security of such second mortgage bonds shall be deemed to be a bonus within the meaning and provisions of this section.

Second mortgage bonds to be limited to amount of bonuses, &c.

6. The said postal bonds and second mortgage bonds respectively shall be under the common seal of the company and signed by the president or vice-president, and countersigned by the secretary and treasurer; they may be issued as payable to bearer, either in sterling or in currency of Canada, at such place or places in Canada or Great Britain as may be deemed advisable: they shall be transferable by delivery, and the holder of any bond made payable to the bearer may sue thereon in his own name.

Form and issue of postal and second mortgage bonds.

7. The directors shall have the power after the sanction of the shareholders shall have been first obtained at any special meeting to be called from time to time for such purpose, to issue all or any part from time to time of the ordinary share capital authorised but hitherto unissued, on such terms as to rate of premium or discount or otherwise as they may consider expedient, as ordinary shares or as preference shares, or as preferred stock, with the option of conversion into shares at such rate and in such manner and at such price or prices as to premiums or discount, or otherwise as from time to time they may deem advisable.

Power to issue balance of capital stock in certain modes.

8 The corporation of any municipality interested in the said railway and its operations, or through or near to which the

Arrangement for change of gauge and aid

by municipalities.

the said railway passes or is situate, may enter into agreements with the company with respect to the changing of the gauge of the said railway to four feet eight and one-half inches, in lieu of the present gauge; and respecting the aiding and assisting of the said company, by granting money by way of bonus, or by lending money to the company or otherwise, for the purpose of enabling the said company to make such change of gauge, and otherwise to improve the railway; and respecting the application of moneys so granted or loaned, and respecting the payment of the same to the Company, direct or through the intervention of trustees to be named in any such agreement or otherwise: Provided that nothing in this section shall be construed as authorizing the granting of a bonus or lending of money without the assent of the ratepayers.

Levying sinking fund in municipalities granting aid.

9. It shall not be necessary for any municipality lending money or granting a bonus to the said Company under the authority of this Act, to levy a rate for raising the sinking fund provided for by the by-law for raising the money so loaned or bonus so granted in any year, excepting so far as it shall be requisite to raise such sinking fund in case of the insufficiency of the interest paid by the Company on the bonds of the Company held by such municipality for such loan or bonus to meet the amount required to be raised for such sinking fund, but any such municipality may apply the interest paid by the said Company on their said bonds, in or towards payment of such sinking fund in lieu of raising the same by levying a rate therefore or in reduction of the rate required to be levied.

Director on part of municipalities granting aid.

10. Any municipality which shall, after the first day of January in this present year, grant any such bonus of not less than two hundred and fifty thousand dollars, in aid of the company, shall be entitled to name a director in the company as the representative of such municipality, and such director shall be in addition to all other directors in the company, whether appointed by the shareholders or by the same or any other municipality, and shall not require to be a shareholder in the company, and shall continue in office as a director in the company until his successor shall be appointed by the municipality which he represents.

## CHAPTER 56.

### An Act respecting the Toronto and Nipissing Railway Company.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS the Toronto and Nipissing Railway Company have prayed that their charter may be amended by further extending the time for the completion of their railway; and whereas it is expedient to grant the same:

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The first section of the Act passed in the thirty-sixth year <sup>36 V. c. 79,</sup> of the reign of Her Majesty Queen Victoria, and chaptered <sup>s. 1 amended.</sup> seventy-nine, is hereby amended by striking out the word "five" therein, and inserting in the place thereof the word "ten."

2. The said Company shall have full power in the construction of their Railway to pass over such portion of the Provisional County of Haliburton as shall best enable them to attain the objects mentioned in their Act of incorporation. <sup>Power to pass over Provisional County of Haliburton.</sup>

## CHAPTER 57.

### An Act respecting the Toronto and Ottawa Railway Company.

[Assented to 7th March, 1878.]

**W**HEREAS the Toronto and Ottawa Railway Company <sup>Preamble.</sup> have, by their petition, prayed for certain amendments to their Acts of incorporation, and for the legalizing of certain by-laws of municipalities granting aid by way of bonus to the said company; and whereas, it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The power and authority conferred upon The Huron and Quebec Railway Company, now the Toronto and Ottawa Railway Company, by section three of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered forty-seven, and sections one, two and three of the Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered forty-nine, are hereby limited to the construction of a railway from the City of Toronto to the City of Ottawa, by way of the Town of Peterborough, as well as within the limits of the said cities; and the said The Toronto and Ottawa Railway Company, shall be a body corporate for the purpose of the construction and operating of the said line of railway, and to that end shall have all the powers, rights and privileges in any manner conferred upon the said Huron and Quebec Railway Company, or the Toronto and Ottawa Railway, by or under the following Acts, that is to say : the Act passed in the thirty-seventh year of Her Majesty's reign, <sup>Powers conferred by 37 V. c. 47, s. 3 and 38 V. c. 49, ss. 1, 2 and 3, limited to constructing a railway from Ottawa to Toronto.</sup>

Time for commencement and completion.

reign, chaptered forty-seven, the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-nine, the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered seventy-three, and the Act passed in the fortieth year of Her Majesty's reign, chaptered eighty; and the time for the commencement of the said railway is hereby extended to the first day of June, one thousand eight hundred and eighty, and for the completion thereof to the first day of December, one thousand eight hundred and eighty-four.

Public notice of meetings.

2 Public notice of the general annual meetings, and of the general meetings of the said company, shall be given at least two weeks previously in the *Ontario Gazette* and in one local newspaper published at Toronto, Ottawa and Peterborough respectively, and such notices shall be continued once in each week until after the day of meeting.

37 V. c. 47, sec. 7 amended.

3. Section seventeen of the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered forty-seven is hereby repealed, and the following substituted therefor:

17. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting.

Power of directors as to contracts.

4. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and to pay therefor, either in cash or bonds or in paid up stock or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company: Provided, that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Proviso.

Certain by-laws granting aid declared valid.

5. The following by-laws of municipalities, granting aid by way of bonus to the said company, are hereby respectively declared legal, valid and binding, notwithstanding any defect of form or otherwise therein, or in the passage thereof, that is to say, a by-law of the Corporation of the County of Ontario, granting aid to the said company by way of bonus to the amount of ninety thousand dollars, and finally passed on the first day of August, one thousand eight hundred and seventy-seven; a by-law of the Corporation of the Village of Port Perry, granting aid to the said company by way of bonus to the amount of five thousand dollars, and finally passed on the sixth day▼

day of August, one thousand eight hundred and seventy-seven ; a by-law of the Corporation of the Township of Cartwright, granting aid by way of bonus to the said company, to the amount of twenty-thousand dollars, and which came into force on the thirty-first day of December, in the year of our Lord, one thousand eight hundred and seventy-eight ; a by-law of the Corporation of the Township of Manvers, granting aid to the said company to the amount of thirty thousand dollars, and finally passed on the twenty-seventh day of August, one thousand eight hundred and seventy-seven ; a by-law of the Corporation of the Town of Perth, granting aid by way of bonus to the said company to the amount of seventy-five thousand dollars, and finally passed on the thirtieth day of May, one thousand eight hundred and seventy-seven ; a by-law of the Corporation of the County of Lanark, granting aid by way of bonus to the amount of seventy-five thousand dollars and finally passed on the fourteenth day of December, one thousand eight hundred and seventy-seven ; a by-law of the Corporation of the Village of Lanark, granting aid by way of bonus to the said company to the amount of ten thousand dollars, and finally passed on the seventh day of July, one thousand eight hundred and seventy-seven.

6. The by-law of the Corporation of the Town of Peterborough granting aid by way of bonus to the said company to the amount of one hundred and fifty thousand dollars and finally passed on the ninth day of November, one thousand eight hundred and seventy-five, is hereby declared to be valid, effectual and subsisting, and binding on the said corporation, notwithstanding that municipal aid to the amount of the sum of one million of dollars had not been granted to the said company by the thirty-first day of December, one thousand eight hundred and seventy-seven as required by the condition of the said by-law ; provided nevertheless, that aid to the amount aforesaid shall have been so granted by the first day of July, one thousand eight hundred and seventy-nine, or within such further time as the council of such corporation may from time to time by by-law designate.

By-law of  
Town of  
Peterborough  
declared valid

Proviso.

7. The by-law of the Corporation of the County of Peterborough granting aid by way of bonus to the said company to the amount of one hundred and fifty thousand dollars and finally passed on the eleventh day of November, one thousand eight hundred and seventy-five, is hereby declared to be valid, effectual and subsisting, and binding on the said corporation, notwithstanding that municipal aid to the amount of the sum of one million dollars had not been granted to the said company by the thirty-first day of December, one thousand eight hundred and seventy-seven, as required by the condition of the said by-law ; provided nevertheless, that municipal aid by way of bonus to the amount aforesaid shall have been so granted to the said company by the first day of July, one thousand eight hundred

By-law of  
County of  
Peterborough  
declared valid.

Proviso.



hundred and seventy-eight, or such further time as the council of such corporation may by by-law designate.

Power of the Councils of Town and County of Peterborough as to amount of municipal aid.

8. It may and shall be lawful for the Councils of the said Corporations of the Town and County of Peterborough or either of them by by-law to reduce the said amount of one million of dollars to such amount as may by such council be deemed expedient, such reduced amount to be applicable only to the by-law of the corporation whose council may so reduce the amount.

## CHAPTER 58.

### An Act to amend the Acts relating to the Victoria Railway Company.

[Assented to 7th March, 1878.]

Preamble.

**W**HEREAS the Victoria Railway Company have issued Debentures at the rate of twelve thousand dollars for each mile of their line of Railway between the Town of Lindsay and the Village of Haliburton, and they consider it to their advantage that the Company should have power to reduce the issue of Debentures already made and to limit their powers of issuing Debentures for the future to six thousand dollars per mile;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limiting issue of Debentures.

1. From and after the passing of this Act the Victoria Railway Company may, by resolution passed at a special meeting of shareholders called for the purpose, limit the issue of debentures in respect of any portion of their line beyond Haliburton, to six thousand dollars per mile; provided however, that if the said company once exercise the said option by passing such resolution, such resolution shall be irrevocable, and the issue of bonds provided for thereby cannot be altered or disturbed by any subsequent action of the said directors or of the said company.

Provision in case company reduce issue.

2. In the event of the said company reducing the issue of debentures already made by agreement with the holders thereof, or by payment or otherwise, the debentures which may be surrendered shall be cancelled, and thereafter the company shall have no power to issue any further debentures in lieu of surrendered debentures, or otherwise in excess of six thousand dollars per mile.

3. The Company shall have power in such resolution to fix the rate of interest to be paid on such Debentures at a rate not exceeding the rate of seven per centum per annum. Rate of interest.

4. The Victoria Railway Company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty or into and upon the lands of any Corporation or person whatsoever, lying along the route or line of its Railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law with respect to such Railway to have been actually suffered; Provided always that any snow fences so erected shall be removed on or before the first day of April then next following. Snow fences.

5. The time for the completion of the said Railway is hereby extended to the first day of January, one thousand eight hundred and eighty. Time for completion of Railway extended.

## CHAPTER 59.

### An Act respecting the Whitby, Port Perry and Lindsay Railway Company.

[Assented to 7th March, 1878.]

**W**HEREAS by an Act passed by the Parliament of Ontario in the fortieth year of Her Majesty's reign, intituled, "An Act to amend the Acts relating to the Whitby and Port Perry Extension Railway Company," it was amongst other things enacted that it should be lawful for the company to issue mortgage bonds to any amount not exceeding, together with such of the mortgage bonds of the company then issued by the company, ten thousand dollars for each mile of the company's line constructed at the time of the passing of said Act, or thereafter from time to time so constructed, which said bonds thereby authorized to be issued should be known as first preferential mortgage bonds, and it was by the said Act also enacted that it should be lawful for the company from time to time to issue other mortgage bonds, which should be called and on their face declared to be second preferential mortgage bonds, to any amount not exceeding five thousand dollars for each mile of the company's railway then or thereafter constructed; and whereas, in pursuance of the powers conferred on said company by said Act, the said company has called in and cancelled all mortgage bonds of the company issued prior to the passing of said Act, and has issued first preferential mortgage bonds of the company in bonds of one hundred pounds sterling each, amounting Preamble.

amounting in all to the sum of ninety-four thousand five hundred pounds sterling, with interest bearing coupons at the rate of six per centum per annum sterling thereto attached, and has also issued second preferential mortgage bonds of the company in bonds of one hundred pounds sterling each, and amounting to the sum of forty-seven thousand two hundred pounds sterling with the like interest bearing coupons thereto attached; and whereas the company's line of railway has been constructed in and from Port Whitby to and into the Town of Lindsay, being a distance of about forty-six miles; and whereas it is deemed expedient to prevent the company from hereafter issuing additional mortgage bonds to rank or in any way interfere with any those already issued as aforesaid in case the company should further extend its line and also to confirm the said issues; and whereas the said company has prayed for such amendments and others, and whereas it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

First preferential bonds declared valid.

1. The said first preferential mortgage bonds of the company, amounting in all to the said principal sum of ninety-four thousand five hundred pounds sterling money of Great Britain, with interest bearing coupons at the rate aforesaid attached to each of said first preferential mortgage bonds be and the same are hereby declared to have been issued by the company in manner and with all the formalities required by said Act, and the same are hereby declared to be good and valid first preferential mortgage bonds of the company, and the only and total first preferential mortgage bonded debt of the company, and that the same, without registration or formal conveyance, shall be taken and be considered to be the first and preferential claim and charge upon the franchises, undertaking and property of the company, real and personal, existing at the time of the issue of the first preferential mortgage bonds or at any time thereafter acquired by the company, and each holder of any of said first preferential mortgage bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of said first preferential mortgage bonds upon the said franchises, undertaking and property; and whether the company's line be extended or not the total principal moneys secured by all the first preferential mortgage bonds of the company at any one time outstanding shall never, under any circumstances, exceed the said sum of ninety-four thousand five hundred pounds sterling money of Great Britain or its equivalent in lawful money of Canada.

Limit to amount.

Second preferential bonds declared valid.

2. That the said second preferential mortgage bonds of the company, amounting in all to the said sum of forty-seven thousand two hundred pounds sterling money of Great Britain, with interest bearing coupons at the said rate attached to each of said secured



secured preferential mortgage bonds, be and the same are hereby declared to have been issued by the company in manner and with all the formalities required by said Act, and the same are hereby declared to be good and valid second preferential mortgage bonds of the company; and said second preferential mortgage bonds shall, without registration or formal conveyance, be taken and considered to be a first claim and charge next after and subject to the said first preferential mortgage bonds on the franchises, undertaking and property, real and personal, existing at the time of the issue of the said second preferential mortgage bonds or at any time thereafter acquired by the company, and each holder of any of said second preferential mortgage bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of said second preferential mortgage bonds upon the said franchises, undertaking and property, subject always to the said first preferential mortgage bonds; and whether the company's line be extended or not the total principal money secured by all the second preferential mortgage bonds of the company at any one time outstanding shall never, under any circumstances, exceed the said sum of forty-seven thousand two hundred pounds sterling money of Great Britain, or its equivalent of lawful money of Canada.

Limit to amount.

3. The board of directors shall have full power by resolution, by-law or otherwise to enter into all contracts for appointing, engaging or hiring officers and servants for the company, including a managing director and solicitor, and to fix and pay out of the company's money such sums by way of salary or other remuneration to any officer, employee or servant at any time in the company's service as to the board may seem meet.

Directors have power to appoint officers of the road, etc.

## CHAPTER 60.

### An Act to Incorporate the Whitby and Bobcaygeon Extension Railway Company.

[Assented to 7th March, 1878.]

**W**HEREAS the construction of a railway from some point within or near the Town of Lindsay to some point in or near the Village of Bobcaygeon, and connecting at or near the said Town of Lindsay, with one or more of the railways now built and in operation to the said Town is desirable for the public convenience and accommodation of the inhabitants and for the development of the resources of that section of the province;

Preamble.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**Incorporation.** 1. Mossom Boyd, C. R. Stewart, George Bick, W. B. Read, Charles Fairbairn, Alexander Orr, John Aiken, Samuel Crabtree, William Snowden, John Junkin, W. Thurston, Irvine Jenkin, Jabez Thurston, Wellington Blewitt, James Oliver, Maurice Hartnett, William Playfair, Elijah Bottom, John Petrie, Peter H. Murdock, James S. Cairnduff, James Hicks, John L. Read, John Dobson, John Knowlson, Thomas Keenan, J. W. Dunsford, Wm. McDonnell, James Deacon, Adam Hudspeth, W. L. Russell, John McLennan, and C. L. Baker, together with such other persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Whitby and Bobcaygeon Railway Extension Company," and the said Mossom Boyd, C. R. Stewart, George Bick, W. B. Read, Charles Fairbairn, Alexander Orr, John Aiken, Samuel Crabtree, William Snowden, John Junkin, W. Thurston, Irvine Jenkin, Jabez Thurston, Wellington Blewitt, James Oliver, Maurice Hartnett, William Playfair, Elijah Bottom, John Petrie, Peter H. Murdock, James S. Cairnduff, James Hicks, John L. Reid, John Dobson, John Knowlton, Thomas Keenan, J. W. Dunsford, William McDonnell, James Deacon, Adam Hudspeth, W. L. Russell, John McLennan, and C. L. Baker, shall be and are hereby constituted the Board of Provisional Directors of the said company.

Provincial  
Directors.

Railway Act  
to apply.

2. The several clauses of the Railway Act of Ontario, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "dividends," "shares and their transfer," "shareholders," "powers of municipalities," "by-laws, notices, &c.," "working of the railway," "actions for indemnity and fines, and penalties, and their prosecution," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act of Ontario, so incorporated with this Act.

Power to con-  
struct railway  
from Lindsay  
to Bobcay-  
geon.

3. The said company shall have full power under this Act to construct a railway from some point within or near the Town of Lindsay to some point within or near the Village of Bobcaygeon, and to connect at or near the said Town of Lindsay, with one or more of the railways now built and in operation to the said Town.

4. The said railway shall be of the gauge of four feet eight Gauge. and one half inches.

5. It shall be lawful for the said company to enter into any agreement with the Whitby, Port Perry and Lindsay Railway Company for leasing the railway or any part thereof, or the use thereof to the said the Whitby, Port Perry and Lindsay Railway Company, or for leasing or hiring from the said other company, locomotives, or other rolling stock, and generally to make any agreement or agreements with such other company touching the use by one or the other or by both companies of the railway or moveable property of either or of both or of any part thereof or touching any service to be rendered by one company to the other and the compensation therefor; and any such agreement shall be valid and binding and shall be enforced by courts of law, according to the terms and tenor thereof, and any such company or any individual accepting and executing such lease or agreement shall be and is hereby empowered to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred:

Company may lease road or rolling stock and make agreements with other Railway Companies for working the Railway.

All such agreements binding,

Provided that every such lease or agreement shall have been first sanctioned at a special general meeting of the shareholders, called for the purpose of considering the same, under the provisions of this Act and then by a vote to that end of two-thirds of the shareholders present either in person or by proxy.

When sanctioned by shareholders.

6. Conveyances of lands to the said company for the purposes of and under the powers given by this Act, may be in the form provided in schedule "A" appended to this Act or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns of the estate and interest and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required by the Registry Act; and no registrar shall be entitled to demand or receive more than seventy-five cents for registering the same, inclusive of all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyances of land to the Company.

Registry.

7. The said provisional directors, until others shall be elected as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein; to associate with themselves not more than six other persons, who upon being so named and consenting thereto, shall be and become provisional directors of the company equally with the said provisional directors; to open stock books and procure subscriptions of stock for the undertaking; to make a call or calls upon the shares so subscribed, to receive payments for stock, to sue for and recover the same; to call a meeting or meetings of the subscribers thereto for the election of other directors as hereinafter provided; and to receive grants, loans, bonuses and gifts made to the company; and the said directors or a majority

Provisional Directors.

Their powers.



ity of them or the board of directors to be elected as herein-after mentioned, may in their discretion exclude from subscribing and refuse to accept as a shareholder any person who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they may deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if in their judgment this will best secure the building of the said railway.

Meeting of  
provisional  
directors.

**8.** The meetings of the provisional directors shall be held in the Village of Bobcaygeon, unless they shall otherwise at any time direct and may be called by any three of them and those present at any such meeting shall be a quorum.

Capital stock

**9.** The capital stock of the said company shall be sixty thousand dollars (with power to increase the same as provided by the said Railway Act of Ontario,) and shall be divided into twelve hundred shares, of fifty dollars each, and shall be raised and paid by the persons and corporations who may become shareholders in the said company; and the money so raised and paid shall be applied in the first place to the payment and discharge of all fees, expenses, and disbursements payable for or incurred in the procuring of the passing of this Act, in the procuring of stock to be taken, and in the organization of the said company, and in the making of the surveys, plans, and estimates connected with the works hereby authorised, and the remainder of such moneys shall be applied to the making, equipment, and completion of the said railway, and in and for the other purposes of this Act.

Application of  
moneys re-  
ceived from  
shareholders

Calls.

**10.** Calls upon the subscribed stock may be made by the directors for the time being, as they shall see fit; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, nor with intervals of less than thirty days between the calls.

Stock may be  
paid in full.

**11.** It shall be lawful for the provisional or elected directors of the said company to receive and accept payment in full for stock or any sum on account thereof from any subscriber or subscribers thereof, at the time of subscription, or at any time before it is due and payable.

First meeting  
for election of  
directors.

**12.** So soon as shares to the amount of ten thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Lindsay, the said provisional

sional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

**13.** If in any case the provisional directors neglect to call such meeting for the space of three months next after the time when the same might have been so called as aforesaid, such meeting may be called by any five of the shareholders who are collectively shareholders, to the amount of one thousand dollars or upwards, and who have paid up all calls on their stock.

If directors neglect, how first meeting may be called.

**14.** In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one local newspaper published either at the Village of Bobcaygeon, or at the Town of Lindsay, once in each week for the space of at least two weeks next preceding the day so appointed for holding such meeting; and such meeting shall be held at the Village of Bobcaygeon, at such place therein and on such day as may be named in such notice, and may be adjourned from day to day, or from time to time as the case may require, until the business thereof is concluded; and at such general meeting, the shareholders present or represented by proxy, who have paid all calls on their stock as aforesaid, shall choose five persons to be the directors of the said company and may also make or pass such rules, regulations, and by-laws as may be deemed expedient and are not inconsistent with this Act, and may transact such other business as the interests of the company may seem to require.

Notice of first meeting.

Powers of shareholders thereat.

**15.** Thereafter the annual general meeting of the shareholders of the said company shall be held at such place and time as the by-laws of the said company shall direct, and in default of any such provision by by-law such meeting shall be held at the Village of Bobcaygeon, on the first Tuesday in February in each year, at such hour and at such place in the said village as may be named in the notice of such meeting.

Subsequent annual general meetings.

**16.** No person shall be qualified to be elected a director in the said company by the shareholders unless he be a shareholder, holding at least four shares of stock in the company, and shall have paid up all calls thereon.

Qualification of directors.

**17.** Special general meetings of the said shareholders may be held at such times and places and in such manner as the by-laws of the said company may direct or as may from time to time be ordered by the directors for any purpose or purposes to be named in the notice of such meeting.

Special general meetings how called.

**18.** Notice of all general or special meetings of the shareholders of the said company shall be given for such period and in such manner as shall be directed by the by-laws of the said company, and, in default of such direction, notice thereof shall be given

Notice of general or special meetings.

given in the manner hereinafore provided with respect to the first general meeting of said shareholders.

Scale of votes of shareholders.

**19.** The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given shall be equal to the number of shares held by such shareholder and on which all calls have been paid up at least one week before the day appointed for any such meeting.

Stock held by municipalities and corporations, how represented.

**20.** At all meetings of the shareholders the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed for that purpose by by-law, and such person shall at all such meetings be entitled like other shareholders to vote by proxy.

Quorum of directors.

**21.** The majority in number of the directors so to be elected as aforesaid shall be a quorum, competent to use and exercise all and any of the powers vested in such directors.

Failure to elect directors at proper time.

**22.** In case it shall happen at any time that an election of directors be not made when the same should have been made the company shall not for that reason be deemed to be dissolved, but it shall be lawful to hold and make an election of directors at any special meeting called for that purpose, and the directors in office shall remain so until their successors shall have been appointed.

Company may receive aid.

**23.** The said company may receive from any Government or any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of bonus, gift or loan, in money or debentures or other securities for money, or by way of guarantee, on such terms and conditions as the said company and any such person or corporation may agree upon.

Aid from municipalities.

**24.** And it shall further be lawful for any municipality, or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said Company shall pass or be situate, to aid and assist the said Company by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing municipal bonds to, or in aid of the Company, and otherwise in such manner, and to such extent as such municipality shall think expedient.

Aid from portions of townships.

**25.** Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted, shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after passing of by-laws for the purpose



purpose, and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

**26.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act. Petition for aid from counties.

**27.** In case either fifty or a majority in number of the persons, rated on the last revised assessment roll of any municipality, other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners, to aid in the construction of the said railway, by giving a bonus to the said Company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if either fifty or a majority in number of the persons who are qualified voters as aforesaid, in any portion of the said township municipality do petition the council of any municipality, to pass a by-law defining in such petition the metes and bounds within which the property of such petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said Company, and stating the amount which they desire to grant and be assessed for, the council of such municipality, shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality; Aid from other than counties.

(1.) For raising the amount so petitioned for by such freeholders in such municipality or portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of the said bonus at the time and on the terms specified in said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

**28.** And in case such by-law be approved or carried by the majority of the votes given thereon then, within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same. Third passing of the by-law.

Issuing the debentures.

**29.** And within one month after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, or other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed, or to be appointed under this Act.

Levying rate where aid granted by a portion of the municipality.

**30.** In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Application of the municipal Acts.

**31.** The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by, or for a portion of a municipality, to the same extent as if the same had been passed by, or for the whole municipality.

Rate not to exceed three cents on the \$.

**32.** All by-laws to be submitted to such vote for granting bonuses to the said Company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid.

County may give their debentures in exchange for Township debentures.

**33.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company and give in exchange therefor, to the said township or to the said Railway Company, a like amount of debentures of the said county on a resolution to that effect being passed by the county council, and the township municipality shall, in such case, keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Municipal debentures; delivery to trustees.

**34.** Whenever any municipality, or portion of a township municipality, shall grant aid, by way of bonus or gift, to the said Company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the councils of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation, or inability or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning, or become incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee.

Trusts of debentures.

**35.** The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit

posit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Whitby and Bobcaygeon Extension Railway Company Municipal Trust Account, and to pay the same unto the Company from time to time, on the certificate of the Chief Engineer of the said Company, in the form set out in the Schedule "B" hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheque drawn by the said trustees.

**36.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of them shall be as valid and binding as if the three had joined therein.

Fees to trustees.  
Quorum.

**37.** Any municipality through which the said railway may pass, is empowered to grant, by way of gift, to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipality may give lands to company.

Power to accept and sell lands.

**38.** It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either wholly or in part from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Municipality may exempt from taxation, &c.,

**39.** It shall and may be lawful for the council of any municipality which shall have granted a bonus to the said railway company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

and extend time for completion of work,

**40.** It shall be lawful for the council of any municipality interested in the said railway, without complying with the requirements of any Act providing for the creation of debts by municipal corporations, on behalf of such municipality, to bear all or part of the costs, charges, and expenses, of and incidental to the submission of any by-law to the qualified voters of such municipality,

and contribute or pay expenses of submitting by-law,



municipality, for granting a bonus to the said company, or and such council may (without such formalities as aforesaid) give the said company a bonus for or on account of such costs, charges, and expenses, provided that no one such bonus shall exceed one thousand dollars.

and agree  
with company  
as to expendi-  
ture of bonus.

**41.** Whenever any municipality shall aid, loan, guarantee, or give money or bonds by way of bonus, to aid the construction or maintenance of the said railway, or otherwise to aid the said company, it shall be lawful for the said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given, upon the works of the said railway, within the limits of the municipality granting the same.

Issue of bonds.

**42.** The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, or any general meeting, shall have power from time to time to issue mortgage bonds made and signed by the president or vice-president, and countersigned by the secretary, and under the seal of the company, for such sums payable at such times and in such manner, at such places, and with coupons thereto attached, bearing interest at such rate, payable at such places and in such manner as the directors may deem advisable, to any amount not exceeding five thousand dollars lawful money of Canada, or its equivalent in sterling money of Great Britain, for each mile of the main line of the railway from time to time constructed; which said mortgage bonds when issued, shall, without registration or formal conveyance be taken and be considered to be a first and preferential claim and charge upon the franchises, undertaking, and real property of the company, including its rolling stock and equipments, existing at the time of such issue or issues, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the said franchises, undertaking, and property of the said company as aforesaid; and in the event at any time of the interest upon the said bonds remaining unpaid and owing after the time for payment of the same, or of any part thereof, shall have elapsed, then at the next ensuing annual general meeting of the shareholders of the said company all holders of such bonds on which the interest is in arrear and unpaid as aforesaid, shall have and possess the same rights, privileges, and qualifications for directors and for voting as are possessed by shareholders; provided that the bonds and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

First charge.

Powers to  
bondholders.

Proviso.

Company may  
borrow money  
on bonds.

**43.** The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which

which they may issue for the construction or maintenance of the railway under the authority of this Act.

**44.** The said company shall have power and authority to make, draw, endorse, accept and become parties to promissory notes and bills of exchange, and every promissory note and bill of exchange made, endorsed, drawn or accepted by the President or Vice-President of the company, and countersigned by the Secretary of the company under the authority of a quorum of the directors shall be binding on the said company, and shall be presumed to have been made with the proper authority until the contrary is shewn; and it shall not be necessary to affix the seal of the company to any such bill or note nor shall the President, Vice-President or Secretary be individually responsible for the same unless the same shall have been issued without the sanction and authority of the directors as herein provided: Provided, however, that nothing herein contained shall be construed to authorize the said company to issue any promissory note or bill of exchange intended to be circulated as money or in like manner as the notes and bills of a bank.

Company may make promissory notes any bills of exchange, et .

**45.** The said company for the purpose of facilitating the said undertaking, and the traffic in connection therewith, shall have power to purchase, build, fit, complete and charter, sell or dispose of, work, control and keep in repair steamboats, steam-tugs, barges and other vessels to ply in connection with the said railway or otherwise.

Power to build steamboats, etc.

**46.** The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon, storehouses, warehouses, engine-houses, wharves, elevators and other erections for the uses of the said company, and the same or any portion thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway, of the water of any stream or water-course at, or near which the said railway passes, doing, however, no unnecessary damage thereto, or to the owner thereof, and not impairing the usefulness of such stream or water-course.

Company may hold and acquire lands, &c., for certain purposes.

**47.** Whenever the said company can obtain the whole of any lot or parcel of land over which the railway is to be carried, at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold and enjoy the whole of such lot or parcel, and may sell and convey the same or any part thereof from time to time as they may deem it expedient; but the compulsory clauses of the Railway Act shall not apply to this section.

Company may buy whole lot instead of right of way.

**48.** The said company may, in the manner, and upon the like terms and conditions as are provided in the Railway Act for obtaining the lands necessary for the purposes of the construction of the said railway take, obtain and hold any lands

Company may take lands for gravel, etc.

on

Compensation.

on which is situated any stone, gravel, earth or sand required for the construction or maintenance of the said railway, and the fee simple therein or only the right to take such material for any time they may think necessary as they shall see fit; and in case they cannot agree with the owner or owners thereof as to the compensation to be paid therefor the proceedings shall be as directed in the said Railway Act, save that instead of the deposit of the map or plan and notice thereof, as provided by the nineteenth section of the said Railway Act, the said company shall cause a Provincial Land Surveyor to make a map and description of the lands so acquired or from which such material is to be taken, and shall serve a copy thereof with the notice and affidavit required by section twenty of the said Railway Act in the manner therein provided: And thereafter may proceed as in the said Act is directed with the same effect as would be obtained in a case contemplated by the said Railway Act if all the requirements thereof had been duly observed; and if such gravel, stone, earth or sand be at a distance from the line of railway, the said company may lay down and maintain the necessary siding and tracks over any intervening lands whatever the distance may be, and all the provisions of the said Railway Act except such as relate to filing plans, and notice thereof shall apply and may be used and exercised to obtain the right of way from the line of railway to the lands on which such materials are situated, and such right may be acquired for a term of years or less period, or permanently as the company may think proper; and the powers in this section may be used and exercised by the said company after the said railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings and tracks.

(2.) In estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Act respecting Railways shall not apply.

Telegraph lines.

**49.** For the purpose of constructing, working, and protecting the said railway; the said company may construct, work and maintain a telegraph line or lines along their line of railway and in connection therewith; and such telegraph line or lines shall be considered as an adjunct to the said railway; and the said company shall in respect and for the working and protection thereof, have the powers conferred on Electric Telegraph Companies by the Statutes of the Dominion of Canada in that behalf.

Leasing rolling stock.

**50.** The said railway company shall have power to lease from any Equipment Company or other body or person or persons, any rolling stock that may be required for use on the road.

Collecting back charges on freight.

**51.** The said company shall have power to collect and receive all charges, subject to which goods or freight of any kind may come into their possession, and shall have the same lien for



for such back charges as the person, or persons or corporation to whom they were originally due without any formal transfer thereof, and on payment by them of such charges to any other company or any prior possessor of the said goods for transit, the said company shall have all the rights and remedies of any such other company and person for the collection of the same.

**52.** The said company may erect snow fences along their line after the first day of November in any year, and maintain the same until the first day of April following, and may enter on any lands necessary for that purpose, and shall remove all such fences not later than the first day of April aforesaid. Snow fences.

**53.** The said railway shall be commenced within two years, and finally completed within four years after the passing of this Act. Commencement and completion of railway.

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### SCHEDULE "A."

(See Section 6.)

Know all men by these presents that I (or we) (*insert names, residences and occupations of the vendors*), in consideration of dollars paid to me (or us) by the "The Whitby and Bobcaygeon Extension Railway Company," do grant, convey and release unto the said company all that (or those) certain parcel or tract of land and premises situate (*insert description of property*) the same having been selected by the said company, for the purposes of their said railway, to hold the same unto the said "The Whitby and Bobcaygeon Extension Railway Company," their successors and assigns and to their use for ever (or as the case may be) (*here insert any other clauses covenants or conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of A.D. 18 .

Signed, sealed and delivered }  
in the presence of }

[L.S.]

## SCHEDULE B.

(See Section 35.)

*Chief Engineer's Certificate.*WHITBY AND BOBCAYGEON EXTENSION RAILWAY COMPANY'S  
OFFICE.No. *Engineer's Department,* 187

Certificate to be attached to cheques drawn on the Whitby and Bobcaygeon Extension Railway Municipal Trust Fund Account, given under section of Victoria, cap.

I, A. B., Chief Engineer of the Whitby and Bobcaygeon Extension Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law, No. of the Township of (or under the agreement, dated the day of , between the Corporation of and the Company), to entitle the said Company to receive from the said trust the sum of (here set out the terms and conditions if any, which have been fulfilled).

*Chief Engineer.*

## CHAPTER 61.

## An Act to Incorporate the Equitable Fire Insurance Company of Hamilton.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS John Barry, John Eastwood, E. S. Whipple, Robert Chisholm, Donald McPhie, William A. H. Duff and Edward Hilton, of the City of Hamilton, Esquires, have petitioned the Legislature of the Province of Ontario that a company be incorporated under the name of "The Equitable Fire Insurance Company of Hamilton," for the purpose of carrying on the business of fire insurance, and insuring property against damage or injury by fire, explosion or other cause of injury or loss, and re-insuring property real and personal, insured by any other company, and whereas it is expedient to grant their prayer;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said John Barry, John Eastwood, E. S. Whipple, Robert Chisholm, Donald McPhie, William A. H. Duff, and Edward Hilton, after having complied with the requirements of this Act as to the subscription of stock, and such persons as now are or hereafter shall become shareholders of the said company, shall be and are hereby created, constituted and declared to be a body corporate, and politic, in law and fact, by the name of "The Equitable Fire Insurance Company of Hamilton," for the purpose of carrying on the business of fire insurance and all things appertaining thereto or connected therewith in the Province of Ontario.

Incorporation  
and corporate  
name.

2. The stock of the company shall be two hundred and fifty thousand dollars, divided into two thousand five hundred shares of one hundred dollars each; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided that the board of directors may by a vote of the shareholders at their special meeting called for that purpose increase the amount of the capital stock at any time, or from time to time to an amount not exceeding in the whole one million of dollars.

3. None of the persons or bodies corporate who may subscribe for stock shall be liable for any further sum than the unpaid amount upon the stock subscribed for; and the shares shall be deemed personal estate.

Liabilities of  
stockholders.

4. Until the election of directors hereinafter provided for, the provisional board of directors shall consist of the said John Barry, John Eastwood, E. S. Whipple, Robert Chisholm, Donald McPhie, William A. H. Duff and Edward Hilton.

Provisional  
board.

5. The provisional board of directors or if any of the said provisional directors shall die or resign, those remaining directors or a majority of them shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the provisional directors or their survivors or a majority of them are hereby authorized to receive from the shareholders a deposit of fifteen per centum of the amount of stock subscribed by such persons respectively; and are hereby required to pay out of such deposit all the costs, charges, and expenses, incurred in the application for and the obtaining of this Act, and of the organizing of the said company; and shall hold office until the first regular meeting, and election of directors as hereinafter provided for.

Their powers.

6. When and so soon as one hundred thousand dollars of the capital stock of said company is subscribed and fifteen thousand dollars thereof paid in, the provisional board of directors shall by advertisement in one paper published in the City of Hamilton, and in the *Ontario Gazette*, call a general meeting of the

Meeting to  
elect directors.



the shareholders to elect a board of directors to manage the affairs of the said company under this Act.

Powers of directors as to calls of stock, &c.

7. The board of directors shall have power to make and from time to time alter such by-laws, rules and regulations as to them shall appear proper for the well-ordering of the company ; to make calls upon the shares of the respective shareholders, at such times as they may deem requisite for the purposes and interests of the said company, and to sue for, and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid within thirty days after the same shall have become due and payable, and may issue any such forfeited stock, and may allot the same or any part thereof to any person or corporation, or sell the same or any portion thereof : Provided always, that such successive calls of stock shall be made at intervals of not less than two months between such calls, and no call shall exceed ten per centum, and thirty days' notice shall be given of every such call by a letter mailed and registered, and the said call or calls shall become due and payable at the expiration of thirty days from such mailing ; the board of directors shall also have power to fill any vacancies in their said board occurring between their usual meetings of shareholders hereinafter provided for, from time to time as they may occur : The board of directors, or a quorum, or a majority of such quorum present at any meeting, shall also at all times have power to appoint officers and agents, and to fix the remuneration and term of office of said officers and agents, and to define the duties and obligations of such officers and agents and securities to be given by them, and to remove or dismiss all officers and agents at pleasure, and generally to transact all necessary matters and things connected with the business of the company : At all meetings of the directors three members of the board shall be a quorum and such quorum shall have all the powers and authority of the full board of directors, and all questions at such meetings shall be decided by a majority of the votes of the directors then present thereat ; and in case of any equality of votes the president, vice-president or presiding director shall have a casting vote in addition to his vote as director ; the directors may also appoint honorary members or local directors in any city or town in which the company transacts business with such duties, powers and remuneration as they may deem proper for the transaction of the business of the company in such places, but no person shall be qualified to be elected a director or continue as such, unless he holds in his own name stock in said company to the amount of fifteen shares, or as local or honorary director unless he holds in his own name stock in said company to the amount of ten shares, whereon all calls shall have been duly paid, and all liability actually matured and incurred by him with the said company also paid.

Quorum.

Issue of policies, holding real estate, &c

8. No policies shall be issued until twenty thousand dollars of the capital stock are actually paid in ; the company may hold

hold such real estate not exceeding the annual value of five thousand dollars, as is required for offices and such other estate, as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered: Provided that all such last mentioned real estate shall be sold within five years from the time of its becoming the absolute property of the company.

9. The directors of the company at a meeting held for such specific purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends. Dividends.

10. The shares of the company shall be transferable by the parties holding the same according to the by-laws of the company, but no share shall be transferable until all calls previously made thereon are paid, whether the thirty days' notice thereon had expired or not; and the transmission of interest in any share in the stock of the company, in consequence of marriage, insolvency, or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct; and in any action for the recovery of calls or arrears of calls, it shall be sufficient for the company to allege and prove that the defendant being an owner of shares therein according to the books of the company is indebted to the company in respect of so many shares in the sum due, and at the trial it shall only be necessary to prove that the defendant was owner of such shares, and that the call was duly made according to the by-laws or rules of the company. Transfer of shares.  
Actions for calls.

11. A copy of any by-law, rule, regulation, or minute, or of any entry in any book of the company, certified to be a true copy or extract under the hand of the president, vice-president or managing director or secretary of the company, and sealed with the corporate seal of the company, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same or of the corporate seal. Evidence of by-laws, &c.

12. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to which any share or shares of the stock may be subject or to which any policy or policies may be subject; and all receipt of the person in whose name any share stands, or by whom any policy or policies appears to be held in the books of the company, shall be a sufficient discharge to the company for any money paid in respect of such share or shares, or policy or policies, notwithstanding any trust to which they or any of them may be held subject, and whether or not the company shall have notice of such trust. Freedom from execution of trusts.

Head office.

**13.** The head office of the company shall be in the City of Hamilton, or elsewhere in the Province of Ontario, as may be determined by the shareholders.

General meeting of shareholders.

**14.** Until otherwise determined by the board, the books of the company shall be annually balanced on the thirty-first day of December in each year; and within three months from the day aforesaid, a general meeting of shareholders shall be called by the board of directors, at which a full statement of the company's affairs shall be submitted, and ten days' notice of such meeting or of any special meeting of shareholders shall be given by advertisement in one newspaper at the place where the head office is, and also by two insertions in the *Ontario Gazette*.

Votes.

Election of directors.

**15.** At such general meeting, shareholders shall have one vote for each share upon which all calls are paid, and votes may be cast in person or by proxy; the shareholders shall at such meeting elect not less than five directors nor more than fifteen directors, in such manner as may be provided for by the by-law, of the company, and which election of directors shall be by ballot unless the election is unanimous, but all other proceedings shall be determined by open vote; but the company shall not be dissolved by failure to hold the said general annual meeting or to elect directors thereat, but it shall be lawful on any other day to hold and make an election at a special general meeting to be called for that purpose by the directors, who shall continue in office until a new election is made. Corporations holding stock in the company may be represented by their executive officers; and the shareholders, at the general annual meeting, shall decide the remuneration to be paid to the directors, president, and vice-president.

Remuneration.

Special meeting of shareholders.

**16.** Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the company's stock; and ten days' notice of all special meetings, stating the object for which they are called, shall be sent to each shareholder by mail, and lists of the shareholders shall be at all times accessible to any of them.

Penalty for paying dividend when company is insolvent and how directors may avoid such liability.

**17.** If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do forthwith, or if any director then absent, do within twenty-four hours after he shall have become aware thereof, and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to



to the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability.

18. The company shall be subject to all general laws which have or may be hereafter enacted by the Legislature of Ontario in reference to companies carrying on the business of fire insurance. General Insurance Act, to apply.

## CHAPTER 62.

### An Act to incorporate the Brant Memorial Association.

[Assented to 7th March, 1878.]

**W**HEREAS His Royal Highness the Duke of Connaught, Preamble, and His Excellency the Earl of Dufferin, Governor-General of the Dominion of Canada, have consented to become patrons of an association formed for the purpose of erecting a suitable monument or memorial to the memory of that distinguished warrior and chieftain, Captain Joseph Brant, (Tyen-dinaga); and whereas the several persons hereinafter named have by their petition prayed for an Act to incorporate the said association; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, hereby enacts as follows:

1. The Honourable David Christie, Allen Cleghorn, Alexander Robertson, Charles A. Jones, William Patterson, M.P., The Honourable Arthur Sturgis Hardy, M.P.P., Stephen James Jones, William Thompson, James Winniett Digby, M.D., William John Scarfe, the Reverend Abraham Neiles, John Elliott, George Henry Wilkes, Jasper Tigh Gilkison, Michael J. Kelly, M.D., L.L.B., Reginald Henwood, Henry Yates, Robert Henry, Henry Lemmon, William C. Trimble, Joshua T. Johnston, William Watt, the younger, B.A., L.L.B., Arthur B. G. Tisdale, Alfred John Wilkes, L.L.B., John Joseph Hawkins, George Lindley, John Turner, George E. Bomberry, M.D., John Carpenter, David Thomas, John Burk, Levi Jonathan, John General, Nicodemus Porter, Joseph Henry, William Wedge, Moses Hill, George H. M. Johnson, and such others as may hereinafter become subscribers to the fund to be formed for the purposes aforesaid, shall be and are hereby incorporated and made a body politic and corporate as an association by the name of "The Brant Memorial Association," for the purpose of making such contracts, agreements, and entering into such arrangements as may be necessary for them to construct, erect, build and keep in repair a monument or other memorial to the memory of Captain

Incorporation and corporate name.

Purposes of corporation.

Captain Joseph Brant, at the City of Brantford, in the County of Brant, or elsewhere in the Province of Ontario, with the right to the said association to sue, and subject to the liability of being sued in respect of any such contracts, agreements, arrangements, monument, memorial, works and premises.

Number of directors.

2. The affairs of the Association shall be managed by a board of not less than five nor more than fifteen directors, until and unless the by-laws of the Association otherwise provide.

Names of present directors.

3. The following named persons shall be the directors of the Association until replaced by others duly appointed in their stead, namely: the said The Honourable David Christie, Allen Cleghorn, Alexander Robertson, William Patterson, M.P., Stephen James Jones, Esq., James Winnett Digby, William John Scarfe, John Joseph Hawkins, George H. Wilkes, The Rev. Abraham Nelles, Robert Henry, Alfred John Wilkes, George E. Bomberry, George H. M. Johnson, and Jasper T. Gilkison,

Future directors to be subscribers.

4. No person shall be elected or appointed as a director thereafter, unless he is a subscriber.

Election of directors.

5. The after directors of the Association shall be elected by the subscribers in general meeting of the Association assembled at the City of Brantford, at such time, in such manner, and for such term, not exceeding two years, as the by-laws of the Association prescribe.

Provisions for election of directors.

6. In default of and until other express provisions in such behalf, by by-laws of the Association:

Annual election.

1. Such election shall take place yearly, all the members of the board retiring, and (if otherwise qualified), being eligible for re-election.

Notices.

2. Notice of the time and place for holding general meetings of the Association shall be given at least ten days previously thereto, in some newspaper published at the City of Brantford.

Voting.

3. At all general meetings of the Association every subscriber to the extent of five dollars shall be entitled to one vote, and to one vote additional for every additional ten dollars' subscription, but in no case shall one person be entitled to more than five votes, and any subscriber may vote by proxy, and any corporation or municipality being a subscriber shall be entitled to be represented and to vote by and through its chief executive officer.

Vacancies.

4. Vacancies occurring in the board of directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder

mainder of the term, by the board, from among the qualified subscribers to the Association.

5. The directors shall, from time to time, elect from among themselves a president of the Association, and shall also name, and may remove at pleasure all other officers thereof. President.  
Officers.

6. The treasurer of the Association shall give such security for the safe custody and proper application of all moneys coming into his hands, as the board of directors shall from time to time direct. Treasurer.

7. If at any time an election of directors is not made, or does not take effect at the proper time, the Association shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Association duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. Failure to elect directors at the proper time.

8. The directors of the Association shall have full power in all things to administer the affairs of the Association, and may make or cause to be made for the Association, any description of contract which the Association may by law enter into. Powers of directors.

9. The directors may from time to time make by-laws not contrary to law, or to this Act, to regulate: By-laws.

1. The number of directors and their term of service ;

2. The appointment, functions, duties, and removal of all agents, officers, and servants of the Association ; the security to be given by them to the Association, and their remuneration ;

3. The time at which and the place where the annual meetings of the Association shall be held ; the calling of meetings, regular and special, of the board of directors, and of the Association ; the quorum ; the requirements as to proxies ; and the procedure in all things at such meetings ;

4. The conduct in all other particulars of the affairs of the Association.

10. Five of the subscribers to the Association shall at all times have the right to require the president to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect. Special meetings.

11. The Association may enforce payment of all subscriptions by action in any court of competent jurisdiction, and in such case it shall not be necessary to set forth the special matter, Enforcing payment of subscriptions.



## Evidence.

ter, but it shall be sufficient to declare that the defendant is a subscriber, stating the number of shares, and is indebted in the sum of money in respect of such subscription whereby an action has accrued to the Association, under this Act; and a certificate under the seal, and purporting to be signed by any officer of the Association, to the effect that the defendant is a subscriber, and that so much is due by him and unpaid thereon, and that the same has been demanded, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

## Accounts.

**12.** Proper books of account, containing accurate entries all receipts and expenditure of the Association, shall be kept by the Association; and such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of subscribers and creditors of the Association and their personal representatives, at the office or chief place of business of the Association; and every such subscriber, creditor, or representative, may make extracts therefrom.

## Liability of subscribers.

**13.** No subscriber, his executors or administrators, shall be liable either to the said Association or to any creditor or creditors thereof, for or on account of the liabilities thereof, beyond the amount unpaid on his subscription.

## Interpretation of the word "subscriber."

**14.** The word "subscriber" in this Act shall mean person or persons who shall have given, donated, or subscribed to the funds of the Association the sum of five dollars and upwards.

## Municipalities may grant aid.

**15.** It shall and may be lawful for the council of any municipality by by-law and without submitting such by-law to the vote or for the assent of the ratepayers to grant such sums, not exceeding five thousand dollars in cities, and two thousand dollars in towns and counties, and five hundred dollars in townships, to such association for the purpose of contributing to the fund to be raised for the purposes aforesaid, either in money or by the issue of debentures at such dates and for such amounts, and at such rate of interest as may be deemed advisable by such municipal councils; and the by-law already passed by the said City of Brantford for the issuing of debentures to the extent of five thousand dollars for the purpose of contributing to the funds of the said association, is hereby confirmed, and made valid for all purposes.

## By-law of Brantford.

## CHAPTER 63.

## An Act respecting the Hamilton Girls' Home.

[Assented to 7th March, 1878.]

**W**HEREAS the Corporation of the Children's Industrial School of the City of Hamilton have by their petition prayed for certain amendments to their Act of incorporation, passed by the Legislature of the late Province of Canada in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, chaptered one hundred and forty-five, and also that the name of the said Corporation may be changed to the Girls' Home of the City of Hamilton, and whereas it is expedient to grant their prayer ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Corporate name of said Children's Industrial School of the City of Hamilton is hereby changed to the "Girls' Home of the City of Hamilton," and the said Corporation shall be hereafter known and called the "Girls' Home of the City of Hamilton;" and all the real and personal estate, property, assets and effects, and all present and future grants, devises, legacies, or bequests, and all titles, securities and instruments, and all rights, claims and liabilities in favour of or against the said "Children's Industrial School of the City of Hamilton," shall vest in and shall enure to or against the said "Girls' Home of the City of Hamilton," as fully and effectually to all intents and purposes as they now are vested in or enure to or against or might enure to the said "Children's Industrial School of the City of Hamilton," under the said Act of incorporation, passed by the Legislature of the late Province of Canada, in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, and chaptered one hundred and forty-five.

Name of  
Children's  
Industrial  
School  
changed to  
Girls' Home.  
Properties.

2. The directresses, office-bearers and managers of the said corporation, shall at each annual meeting, prepare and lay before such annual meeting, a list of all subscribers to the said institution as defined in the said Act of Incorporation, and the persons named in such list shall be held to be subscribers to the said institution, and entitled to vote at the annual meetings of the said corporation : Provided that in case of the failure of the said directresses, office-bearers and managers to prepare such list for any annual meeting, the last list of subscribers prepared and laid before an annual meeting shall remain in force, and be held to be the list of subscribers for such annual meeting.

List of sub-  
scribers.

Voting.

3. The said corporation shall have power from time to time, and so often as they shall deem expedient to mortgage the real and chattel property of the said corporation.

Power to  
mortgage.

4.

Filing articles  
of apprentice-  
ships.

4. The time for filing a copy of the articles of indenture of apprenticeship with the clerk of the Corporation of the City of Hamilton, provided for by section three of the said Act, is hereby extended from six days to one month; and the clerk of the said Corporation of Hamilton shall endorse on each copy of such articles of Indenture of apprenticeship so filed with him a certificate of the date of such filing.

Adoption of  
children.

5. Any person or persons desirous of adopting as a member of his, her or their family any child or children having the protection of the said institution, may, by articles of agreement, executed by the said corporation, and such person or persons, adopt such child or children, and on the execution of such articles, such person or persons may exercise over and with respect to such child or children so adopted, such powers as her or their parents or guardians would have or might exercise, and such articles of agreement shall be held to be within the powers conferred by section three of the said Act of incorporation, and the person or persons so adopting such child or children shall be subject to the liabilities and conditions set forth in said section three.

Children  
adopted.

6. Every child so adopted under the preceding section of this Act shall be held to be a member of the family of the person or persons adopting such child under the provisions of the Revised Statute respecting Public Schools.

Secretary.

7. A corresponding secretary is hereby added to the number of office-bearers of the said corporation.

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## CHAPTER 64.

### An Act to confirm sales made by the Order of Good Templars.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS by deed bearing date the nineteenth day of October, in the year of our Lord one thousand eight hundred and forty-nine, one George Carter did grant and convey unto the Reverend Henry Only Crofts, John Plummer, waggon maker, George Jackson, iron founder, John Eggar, cabinet maker, Robert Gunn, shoemaker, Alexander Johnston, shoemaker, William Darvill, joiner, John Raynard, merchant, Stephen Saunders, joiner, Caleb Griffiths, joiner, Joseph Oates, blacksmith, Charles Cook, draper, Richard Winsor, bricklayer, John Pacey, waggon maker, George Watson, joiner, all of the then Town (now City) of London, in the County of Middlesex,

and



and Province of Ontario, and James Williams, of North Dorchester, in the county and province aforesaid, all that certain lot, parcel or tract of land and premises situate, lying and being in the then Town (now City) of London, in the County of Middlesex, containing by admeasurement the seventh part of an acre be the same more or less being composed of the south part of lot number five on the south side of Dundas Street in the said then Town (now City) of London, and butted and bounded or may be otherwise known as follows, that is to say commencing on the east side of Clarence Street at the south-west angle of said lot; then northerly along Clarence Street sixty feet; then easterly parallel with Dundas Street, one hundred and ten feet more or less to the easterly limit of said lot; then southerly parallel with Clarence Street sixty feet to the centre of the block; then westerly parallel with Dundas Street, one hundred and ten feet more or less to the place of beginning: To have and to hold the same unto them and their successors in trust for the site of a church and Sabbath school for the use of the members of the Wesleyan Methodist New Connexion Church: and whereas the said Wesleyan Methodist New Connexion Church was frequently called and known by the name of the Methodist New Connexion Church of Canada, and by such name became united with other religious bodies by virtue of An Act of the Parliament of the Province of Ontario, passed in the thirty-eighth year of Her Majesty's Reign, intituled "An Act respecting the Methodist Church of Canada" under the name of "The Methodist Church of Canada;" and whereas it being necessary and desirable to dispose of the said land the said trustees and their successors in office, did by and with the consent and approbation of The London Conference of the said The Methodist Church of Canada, by deed dated the twenty-fifth day of July, in the year of our Lord one thousand eight hundred and seventy-six grant and convey the said lands to Marvin Knowlton, lumber merchant, John B. Loftus, carpenter, Edmund Baynes Reed, barrister-at-law, Edwin K. Slater, painter, Robert Munro, carriage trimmer, George Webster, gentleman; Warren Rock, barrister-at-law; and William H. Winnet, lumber merchant, all of the said City of London, as trustees on behalf of the Morrill Lodge of the Independent Order of Good Templars, a subordinate Temple of the Independent order of Good Templars of Canada, being the Morrill Temple, No. 181, of London, Ontario; And whereas the said Marvin Knowlton, John B. Loftus, Edmund Baynes Reed, Edwin K. Slater, Robert Munro, George Webster, Warren Rock, and William H. Winnet, as trustees of the said The Morrill Temple, No. 181, of the City of London, Ontario, did by and with the consent of the said The Morrill Temple, by deed dated the twenty-first day of June, in the year of our Lord one thousand eight hundred and seventy-seven, grant and convey the said lands to William Glass and Thomas McCormick, of the City of London, to have and to hold to them their heirs and assigns forever; And whereas it was intended by the provisions of the Act

passed

passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered one hundred and forty, intituled "An Act to Incorporate The Grand Temple and subordinate Temples of the Independent Order of Good Templars of Canada," to confer upon subordinate temples, the power and privilege to acquire and hold land and immovable estate, and to sell, lease or otherwise dispose of it as they might see fit, but by mistake such power and privilege were not granted, and many subordinate temples have acquired land and many have sold lands acquired by them; And whereas it is deemed desirable to so amend the said Act passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered one hundred and forty, as to grant to subordinate temples the powers and privileges above referred to and to sanction and confirm all grants and conveyances of land heretofore made to and by such subordinate temples or by any one on their behalf, and also to sanction and confirm the sales, grants and conveyances to and by the trustees on behalf of the said Morrill Temple above referred to;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

27, 28 Vic. c.  
140, sec. 4  
amended.

**1.** The fourth section of An Act of the Legislature of Canada passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered one hundred and forty, intituled "An Act to Incorporate The Grand Temple and Subordinate Temples of the Independent Order of Good Templars of Canada," shall be and the same is hereby amended by striking out the word "first" in the ninth line of the said fourth section and inserting the word "second" in lieu thereof; and the said fourth section shall be construed as though the said word "second" had been inserted there at the time of the passing of the said Act.

Sales made by  
subordinate  
lodges con-  
firmed.

**2.** All and every sale or sales, grants, conveyances or other dispositions of land or immovable estate heretofore made to or by any subordinate temple in the Province of Ontario duly incorporated under said Act, or to or by any person or persons as trustees for any such subordinate temple in Ontario are hereby sanctioned and confirmed, and declared to be legal and binding according to the terms and tenor thereof, as though the said Act had been originally passed as amended by the preceding section of this Act; and such conveyance by any such subordinate temple or any person or persons as trustees for any such subordinate temple shall be held to have passed, and are hereby declared to have passed to the purchasers all the right, title and interest which such subordinate temple, or any member thereof, or such trustee had in or to such lands or immovable estate at the time of such conveyances; provided always that this Act shall not affect any case pending at the time of the passing of this Act, in or theretofore finally adjudged by the Courts of Law or Equity in Ontario.

3. The sale and conveyance by the trustees of the Methodist Church of Canada to Marvin Knowlton and others, above referred to, and the sale and conveyance by the said Marvin Knowlton and his co-trustees to the said William Glass and Thomas McCormick above referred to, are hereby sanctioned and confirmed, and declared as valid and effectual to pass to the said William Glass and Thomas McCormick and their heirs and assigns an estate in fee simple in the said land above particularly described as if the said Act of the Legislature of Canada had been originally passed as amended by the first section hereof.

Sale to M.  
Knowlton, &c.,  
confirmed.

## CHAPTER 65.

### An Act to incorporate the Toronto Stock Exchange.

[Assented to 7th March, 1878.]

**W**HEREAS Henry Pellatt, James Browne, William Hope, Preamble.  
Harrison R. Forbes, Casimir S. Gzowski, the younger, William James Baines, W. Alexander, R. Beaty, Philip Browne, Ewing Buchan, C. J. Campbell, W. G. Cassels, R. Cochran, P. S. Barnston, H. L. Hime, W. Kersteman, the younger, Herbert Mortimer, E. B. Osler, W. A. Phipps, A. B. Campbell and R. H. Temple, resident and carrying on business in the City of Toronto, and being all the members of the now existing unincorporated Toronto Stock Exchange have petitioned for the incorporation of themselves and others as The Toronto Stock Exchange, and to be invested with certain powers hereinafter mentioned; and whereas it is expedient to grant their prayer;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The aforesaid persons and all those who may hereafter become associated with them shall be and they are hereby constituted a body politic and corporate by the name of "The Toronto Stock Exchange," and may acquire for themselves and their successors, under any legal title whatsoever, property real and personal, but only to the extent requisite for the purposes of their business; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require, for such price or prices and on such terms and conditions as they may see fit; and may, should they see fit, acquire other real and personal estate in lieu thereof, for the purposes of this Act: may borrow money on mortgage of the real estate of the corporation for such time and on such terms and at such rates of interest as they may see fit; Provided always that the clear annual value of the said real estate at any one time shall not exceed five thousand dollars, and provided

Incorporation.

Name and powers.

Proviso.

also



also that the said corporation shall not have or exercise any corporate powers whatever except such as are expressly conferred by this Act or which are necessary for carrying the same into effect.

Objects of corporation.

2. The objects of the said corporation are hereby declared to be, to compile records and publish statistics, to acquire and distribute information respecting stocks, shares, bonds and debentures; to provide and regulate a suitable building or room or rooms for a stock exchange and offices in the City of Toronto; to promote the observance of such regulations and requirements as may be by by-law established not contrary to law, to which ends the corporation is hereby empowered by vote of the majority at annual, quarterly or special meetings of the said corporation, to make and establish such proper and needful rules, regulations and by-laws for its government as they may deem expedient and necessary for the interest and administration of the property and affairs of the said corporation; for the employment of a secretary and treasurer and such clerks and other officers and servants as may be necessary; for regulating the mode of voting at any ordinary, special or general meeting, or to determine whether the presiding officer shall or shall not vote or shall or shall not have a double or casting vote in case of a tie, and for all or any of the purposes within the powers conferred by this Act, and for the administration of their affairs generally: Provided always such by-laws are not contrary to law, and further to amend and repeal such by-laws from time to time in the manner provided by such by-laws.

Committee of Management.

3. The affairs, business and concerns of the corporation hereby created shall be managed by a president, secretary, treasurer, and three managers or such other officers and number of managers as may be provided by the by-laws, all of whom shall be members of the said Toronto Stock Exchange, and shall together constitute the committee of management; and shall be elected annually at such time and place as may be provided by the by-laws; all vacancies which may occur in the said committee by death or otherwise shall be filled by the said committee; and a majority of the number of the said committee or such other number as may be established by the by-laws shall constitute a quorum for the transaction of business.

Election.

Quorum.

Annual meeting.

4. An annual meeting shall be held for the election of the committee of management and for such other business as may be brought before such meeting, at such time and place, and under such regulations and notices as the by-laws of the corporation shall determine; and may be adjourned as decided at such meeting, but in case of any accident, failure or neglect to hold such general election the corporation shall not thereby lapse or terminate but shall continue and exist and the then officers shall continue to act until the next general election or until their successors are appointed.

5. The corporation may admit as members such persons, residents of Toronto, as they see fit : such admission to membership shall be governed by the by-laws of the corporation : and the said corporation may expel any member for such reasons and in such manner as may be by-law provided. Membership.

6. The by-laws and rules of the now existing unincorporated Toronto Stock Exchange now in force shall be the by-laws and rules of the said corporation, until amended or repealed. By-laws and rules.

7. Until others shall be elected the present officers of the said existing Toronto Stock Exchange shall be those of the corporation constituted by this Act, and such officers shall have all the powers assigned to the committee of management of the said corporation by this Act, and by the by-laws and rules of the said existing Toronto Stock Exchange so far as the same are not contrary to law. Present officers to continue.

8. No member of the corporation shall be liable for any of the debts thereof, beyond the amount of the annual subscription of such member which may remain unpaid. Liability of members.

9. All subscriptions of members due to the said corporation and all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the said corporation shall be paid to the treasurer thereof, and in default of payment may be recovered in any action brought in the name of the said corporation ; and it shall only be necessary in such action to allege that such person is indebted to the said corporation in the sum of money being the amount of such arrears, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act, and on the trial or hearing of any such suit it shall be sufficient *prima facie* evidence for the said corporation to prove that the defendant at the time of the institution of such action was, or had been a member of the said corporation, and that the amount claimed by reason of such subscription or otherwise, was standing unpaid in the books of the said corporation. Subscriptions of members.  
Penalties.  
Actions.

10. The said company shall at all times when required by the Lieutenant-Governor or by the Legislative Assembly, make a full return of all its property, real and personal, and of its liabilities, receipts and expenditures, to the Lieutenant-Governor or Legislative Assembly, as the case may be, for such period and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require in that behalf. Returns to be made to the Lieutenant-Governor and Legislative Assembly.

## CHAPTER 66.

## An Act respecting the National Club.

[Assented to 7th March, 1878.]

## Preamble.

**W**HEREAS in conformity with the provisions of an Act passed by the Parliament of the Province of Ontario, in the thirty-seventh year of the reign of Her Majesty and chaptered thirty-four, the declaration therein mentioned was duly made, endorsed and filed, it being intended thereby to incorporate the persons who signed such declaration, their associates and successors as a body corporate and politic under the name of "The National Club;" and whereas the said club thereupon went into operation, and in further conformity with said Act, made by-laws, rules and regulations for the government and conduct of the affairs of the club; and whereas doubts have arisen as to the extent of the liability of members of the said club under the said Act, and the hereinafter mentioned persons have prayed to have the club reorganized, and the future liability of members of the reorganization fixed, without prejudice to any existing liability of present members of the said club to creditors or otherwise; and whereas it is expedient to grant their prayer:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation  
and corporate  
name.

**1.** William Arthurs, William Alexander, Alexander A. Allen, J. A. Boyd, T. H. Bull, Hugh Blain, Honourable Edward Blake, M.P., Alfred Baker, William A. Brock, James L. Blakie, J. L. Brodie, William C. Beddome, John Burns, Lawrence Buchan, R. Heber Bowes, John Brown, Ralph H. Burgess, G. W. Badgerow, William Badenach, Robert Barber, junior, Hon. Adam Crooks, Thomas Christie, F. W. Carrier, James H. Coyne, R. Carrie, Henry E. Caston, William W. Copp, George E. Casey M.P., Wm. C. Cockshutt, Patrick G. Close, William H. Cross, George T. Denison, John Downey, Thomas Davison, George H. Dartnell, Robert W. Elliott, Robert D. Ewing, John S. Ewart, William A. Foster, John W. Fletcher, J. R. Foster, Frederick Fenton, Honourable C. F. Fraser, John Gillespie, D. Galbraith, Honourable William P. Howland, C.B., William H. Howland, Samuel R. Hart, Oliver A. Howland, James C. Hamilton, Honourable A. S. Hardy, Geo. Hutchinson, Bernard B. Hughes, John D. Irwin, A. S. Irving, Joseph Jackes, Salter M. Jarvis, Simeon H. Janes, William R. Johnson, Robert Kilgour, John Kay, Geo. Kerr, junior, Arthur B. Lee, George Leslie, junior, D. Lewis, John Leys, Thomas Langton, James Loudon, George Laidlaw, John Leask, Clarence W. Moberly, James Michie, George Murray, Kenneth Miller, W. George Mutton, A. L. Millard



Millard, Angus Morrison, F. W. Menet, J. H. Mason, A. Marling, Honourable William McDougall, C.B., George A. Mackenzie, William G. McWilliams, Peter McCulloch, Honourable William McMaster, Samuel F. McMaster, Arthur R. McMaster William F. McMaster, Hugh MacMahon, Q. C., Peter D. McKellar, William H. McNab, James Grant McDonald, William Barclay McMurrich, John Macdonald, M.P., T. McGaw, J. B. McQuestin, Horatio W. Nelson, Alexander Nairn, Lucius R. O'Brien, John D. Oliver, William T. O'Rielly, James Paterson John F. Palmer, H. J. Palmer, George McLean Rose, William Roaf, James R. Roaf, John Ross Robertson, Matthew Robins, Henry A. Reesor, Herbert Robinson, J. G. Robinson, James H. Richardson, M.D., Robert D. Richardson, John Smith, junior, Richard Snelling, John Shields, J. E. Smith, George B. Smith, Goldwin Smith, Larrat W. Smith, Hugh Scott, Bernard Saunders, Robert W. Sutherland, Thomas C. Scoble, Daniel Spry, Thomas Saunders, Robert J. Tackaberry, George Taylor, John Tyrrel, Frederick Walker, Frederick H. Wright, M.D., Honourable S. C. Wood, Thomas Walmsley, Frederick Wyld, and such other persons as may hereafter become members of the corporation hereby constituted, shall be, and are hereby declared to be a body politic and corporate in deed and in name, and by the name of "The National Club;" and shall by the same name from time to time, and at all times hereafter be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take, and receive, to them and their successors, to and for the actual occupation and use of the said corporation, any lands, tenements and hereditaments and real or personal property within the City of Toronto, and the same release, sell, alienate and dispose of whensoever the said corporation may deem proper to do so.

Property.

2. Within three months from the passing of this Act a general meeting of the persons named in the first section hereof shall be called by the secretary or directors of the said original club upon one week's notice by letter, mailed to the post office address of each such person, for the purpose of adopting such constitution, rules, by-laws, and regulations as may be thought fit, touching the admission and expulsion of members, the election of officers, and the management and conduct generally of the affairs and concerns of the said club, in so far as they shall not be inconsistent with the laws of this Province; provided always, that the corporation hereby created may from time to time alter, repeal, and change such constitution, rules, by-laws or regulations in the manner to be provided in such constitution, by-laws, rules or regulations.

Next general meeting to frame by-laws, &c.

3. No member of the corporation hereby created, shall be liable for any of the debts, contracts or liabilities incurred, assumed or entered into, by the said corporation, beyond the amount of the entrance fee and the annual subscription, or any portion thereof which may be due and unpaid by such member, and

Liabilities of members.

and members of the corporation hereby created, not being in arrears for entrance fee, subscription or otherwise, shall as such be wholly free from liability for any debt, liability, contract, or engagement of the corporation hereby created, and members of the corporation hereby created, not in arrear may retire therefrom in the manner to be provided for by the constitution, by-laws, rules or regulations to be adopted or enacted as aforesaid.

Powers to borrow or mortgage, &c.

4. It shall be lawful for the corporation hereby created with the assent of the members as hereinafter provided for, to raise or borrow either upon mortgage of the real and personal property of their corporation, or by the issue of debentures secured thereon as hereinafter provided, or partly in one way and partly in the other, or otherwise, such sums of money as they may deem necessary, not exceeding in the aggregate the sum of fifty thousand dollars.

Powers to execute mortgages.

5. If, as provided by the next preceeding section of this Act, it be decided to raise or borrow moneys upon mortgage, the said corporation are hereby authorised to execute a mortgage or mortgages upon their real and personal property, or either, or such portions thereof as they may see fit, to secure the repayment of moneys borrowed and interest at the rate to be fixed as aforesaid in such way and manner as may have been agreed upon.

Moneys may be raised on debentures.

6. If, as provided by section four of this Act, it be decided to raise moneys upon debentures, the said corporation may pledge and mortgage the real and personal property of the said corporation, or either thereof for the repayment of the moneys so borrowed and the interest thereon; such debentures may be payable to bearer, or to the order of any person, and shall pass and be transferable by delivery or endorsement thereof respectively; Provided always, that no money shall be raised by mortgage, or debentures until the consent of the majority of the members of the corporation attending in person or represented by proxy, at a special meeting to be called for that purpose be first obtained, such special meeting to be called in the manner pointed out by the constitution, rules, and regulations for the calling of special meetings.

Proviso.

Power to become parties to notes, &c.

7. The corporation hereby created shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory notes made or endorsed, or any such bill of exchange drawn, accepted, or endorsed by the proper officers of the corporation to be designated in the said constitution or rules, and under the authority of the board of directors shall be binding on the said corporation; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the

seal

seal of the said corporation affixed to such promissory note or bill of exchange, nor shall the said officers be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided for; Provided, however that nothing in this section shall be construed to authorize the said corporation to issue any notes or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank, and circulated as money. Proviso.

8. The moneys so raised shall be applied exclusively in the purchase, improvement, or erection or leasing of a club house, and dependencies and in furnishing the same or in payment of debts incurred therefor, or for the other proper purposes of the corporation. Disposal of funds raised by mortgages, &c.

9. The corporation hereby created may acquire by purchase for its exclusive use, all or any portion of the assets of the said original club. Purchase of assets of original club.

10. It shall be competent for the board of directors of said original club, and they are hereby empowered to wind up its affairs, and to sell or dispose of, at a valuation or otherwise, the assets of the said original club, and to apply the proceeds in payment of its debts, so far as the same will go, and in case of a deficiency between assets and liabilities to assess the members of the said original club for a proportionate sum or amount thereof, and if need be to collect such assessment in the name of the then secretary of the said original club or in any other legal manner: Provided always that prior to such sale or assessment a special general meeting of members of the said original club shall be called on two weeks notice stating the special purpose for which the meeting is summoned, mailed, prepaid, to the address of each member of the said original club as shewn by the books thereof; and a resolution authorizing such sale, the limit of such assessment, or both, adopted by a majority of the members there present at a meeting so called as aforesaid shall be sufficient warrant and authority therefor, and shall be binding on all the members of the said original club. And provided moreover, that no member of said original club shall be liable for or to pay the amount of any assessment made under this section, unless irrespective of anything in this Act contained, the said member would be, either alone or with other members of said original club, liable for the debts of said original club. Original club may wind up its affairs.

11. Nothing herein contained shall prejudice or affect the rights of the creditors of the said original club as against the said original club or its members, nor shall this Act be interpreted to make the corporation hereby created liable for the debts of the said original club, or to extinguish the charter or incorporation of the said original club. Rights of creditors of original club.



## CHAPTER 67.

## An Act respecting the Toronto Club.

[Assented to 7th March, 1878.]

## Preamble.

WHEREAS the Toronto Club have presented their petition praying for an amendment to their Act of Incorporation, and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to  
borrow money

1. It shall be lawful for the Toronto Club to borrow money upon the credit of the Club and to hypothecate, pledge or mortgage the real or personal property of the Club to secure any sum or sums of money so borrowed at such rate of interest and on such terms as may from time to time be agreed upon.

Power as to  
bills and note

2. The Club shall have power to draw, make, accept and endorse all bills of exchange and promissory notes necessary for the purposes of the Club under the hands of their President and Secretary after authority from the Committee of the Club so to do, and in no case shall it be necessary that the seal of the Club be affixed to any such bill or note, nor shall the President or Secretary be individually responsible therefor: Provided that nothing herein shall be construed to authorize the Club to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as notes or bills of a bank.

## CHAPTER 68.

## An Act to incorporate Ontario Ladies' College.

[Assented to 7th March, 1878.]

## Preamble.

WHEREAS an institution of learning under the name and style of Ontario Ladies' College, was, in the year of our Lord one thousand eight hundred and seventy-four, established in the Town of Whitby, under the provisions of the Joint Stock Companies' Act; and whereas the provisions of said Act have proved insufficient for meeting the requirements of said college; and whereas a special act of incorporation would greatly aid and further the interests of said college;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. James Holden, W. D. Matthews, A. Ross, J. Rice, J. L. Smith, J. Richardson, G. Y. Smith, LL.B., Thomas McClung, Rev. D. C. McDowell, Rev. E. H. Dewart, Rev. J. E. Sanderson, M.A., Rev. J. E. Betts, Rev. George Leech, Rev. R. H. Smith, James Gooderham, R. Wilkes, J. Patterson, H. B. Taylor, B.A., Rev. W. H. Laird, Richard Hatch, Rev. Calvin Shaw, and such others as are now or shall, under the authority of this Act, be associated with them, shall be a body corporate and politic under the name and style of "Ontario Ladies' College;" and shall have full power to carry on the said institution of learning; also to make and establish such and so many rules, orders and regulations (not being contrary to this Act or the laws in force in this Province), and change or alter the same as they shall deem useful or necessary; and by the same name and title shall be able and capable in law to receive, purchase, and hold by any legal title whatsoever, all such lands, tenements, possessions, and property, real and personal, as may be necessary for the use and occupation of the said college; and to receive and to hold for the benefit of said college, any gifts or donations, special or general, and any legacies, devises, or bequests of property, real or personal, on any trusts that may accrue, directly or indirectly, to the benefit of said college; also to sell, alienate, and transfer any property, real or personal, so purchased, given, bequeathed, or obtained by any legal title or process whatsoever, and to apply the proceeds of all such sales and transfers, directly or indirectly at discretion, to the benefit of said college; provided always, and it is enacted that the said corporation shall at no time acquire or hold as purchasers, any lands or tenements or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; and that no such gift, devise, or bequest of lands or tenements, or interests therein, shall be valid, unless such gift, devise, or bequest is made at least six months before the death of the person making the same; and the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements, or interests therein, so to be taken or held by gift, devise, or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise, or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

**Capital Stock**

2. The capital stock of the said corporation shall be seventy-five thousand dollars, in seven hundred and fifty shares of one hundred dollars each, which capital stock may hereafter be increased, as hereinafter mentioned: Instalments on such capital stock shall be paid by the shareholders at such times and in such amounts as the directors may determine, after notice of one month has been given in a public newspaper in the Town of Whitby, and also by circular letters mailed to every shareholder; provided always that the directors of said corporation, if they see fit at any time after the whole capital aforesaid shall have been subscribed for, and fifty per centum thereof paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount which they may consider requisite, but not exceeding one hundred thousand dollars, in order to the due carrying out of the objects of the company, and such by-law shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted, and in default of its so doing, the control of such allotment shall be held to vest absolutely in the directors; but no by-law for increasing or decreasing the capital stock of the corporation or sub-dividing the shares, shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two-thirds in value of the shareholders present or represented by proxy, at an annual meeting or a special meeting of shareholders called for that purpose.

**Neglect of payment.**

3. If after such due notice has been given, any shareholder shall neglect or refuse to pay the instalment required, the said corporation may sue for and recover the same with costs; and if any call made upon any share or shares be not paid within such time as the by-law of said corporation shall require, the directors may summarily forfeit any such share or shares whenever such payment has not been made, and the same shall thereupon become the property of the corporation, and may be disposed of as they shall determine.

**Forfeiture.****Directors.**

4. All affairs of the said corporation shall be managed by a board of twenty-one directors, consisting in the first instance of the persons named in the first section of this Act, who shall serve as such until the first Tuesday in September, one thousand eight hundred and seventy-eight, or until their successors shall have been appointed under the provisions of this Act; and the said board shall elect by ballot from among themselves, a President and Vice-President who shall hold office during the year, or until their successors are appointed.

**Powers of directors.**

5. The directors shall organize and carry on the said college and shall determine the course or courses of study to be pursued, and the honours, certificates, diplomas or degrees to be conferred; they shall make and enforce all calls upon the shareholders; they shall nominate the Governor, appoint the Secretary,



Secretary, Treasurer, Principal, Teachers, and other officers or servants, fix their salaries, and remove them at their pleasure ; they shall make all rules for the general management of the said institution ; they shall make contracts and payments for the execution of the purposes of the corporation ; they shall make by-laws for the regulation of the affairs of the institution, and vary or repeal the same, but all such powers shall be exercised in accordance with the provisions of the act, and subject to the control of any general meeting of the shareholders, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting.

6. A general meeting of the shareholders shall be held in the Town of Whitby once in each year, and shall be called the Annual Meeting, and the shareholders present at such meetings, either in person or by proxy, shall elect by ballot fourteen shareholders to serve as fourteen of the said board of twenty-one directors for the ensuing year, eight of whom shall be members of the Methodist Church of Canada, and each one of whom shall own stock absolutely in his own right, and shall not be in arrear in respect of any call thereon. General Meetings.

7. Each shareholder may cast one vote for every share held by him, or may authorize any other shareholder to vote for him, such authority to be given in writing and recorded by the Secretary. Votes.

8. Seven of the before-mentioned twenty-one directors shall be ministers of the Methodist Church of Canada, and appointed by the General Conference of said church, and shall hold office for one year, or until their successors are appointed, but shall be eligible for re-election : provided always that the Governor as the person having the moral and religious control in the said institution, shall be a minister of the said Methodist Church, nominated by the said Board of Directors, but ratified by the said General Conference, or by the Annual Conference ; but if said General or Annual Conference shall not confirm such nomination at its first session thereafter, then the said directors shall be authorised to appoint any person, being a member of the said church, to that office until the next session of the said conference. Directors appointed by the General Conference.

9. The shareholders in the said corporation shall not, as such, be held responsible for any act, default, or liability whatsoever of the said corporation, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the corporation, beyond the unpaid amount of their respective shares in the capital stock thereof. Liability of shareholders.

10. The several provisions of sections seventeen, sub-sections two and five of section twenty-five, sections thirty, thirty-two, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-two, Certain sections of the R. S., c. 150, to apply.

forty-two, forty-three, forty-five, forty-seven, forty-eight, fifty-one, fifty-seven, fifty-eight, sixty, sixty-one, sixty-two and sixty-three, of chapter one hundred and fifty of the Revised Statutes of Ontario shall be incorporated with, and be read as part of this Act, so far as the same can be made applicable thereto, and are not inconsistent with the provisions of this Act.

Property of  
Ontario  
Ladies' Col-  
lege vested in  
present cor-  
poration.

**11.** All the property, right, privileges, and effects of the said "The Ontario Ladies' College" as heretofore constituted, are hereby vested in the said corporation hereby constituted, and the said corporation shall henceforth be subject to all the contracts, engagements, debts, and liabilities of the said "The Ontario Ladies' College" as heretofore constituted; provided always, that nothing herein contained shall be construed to make the said corporation a new corporation, or to make void or to impair the effect or validity of any by-law, proceeding, deed, instrument, or writing heretofore made, executed, or entered into by or with the said "The Ontario Ladies' College," but such by-law, proceeding, deed, instrument, or writing, shall and may hereafter be continued, construed, and have effect as if this act had not been passed.

Returns to the  
Lieutenant-  
Governor and  
Legislative  
Assembly.

**12.** The said corporation shall, at all times when required by the Lieutenant-Governor or by the Legislative Assembly, make a full return of all its property, real and personal, and of its liabilities, receipts, and expenditures to the Lieutenant-Governor or Legislative Assembly, as the case may be, for such period and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require in that behalf.

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## CHAPTER 69.

### An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto.

[Assented to 7th March, 1878.]

Preamble.

**W**HEREAS the Incorporated Synod of the Diocese of Toronto have petitioned that the powers and provisions granted to the Diocese of Ontario by the Act passed in the thirty-ninth year of the reign of Her Majesty, chaptered one hundred and nine, and intituled "An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario," may, so far as the same may be applicable, be extended to the Diocese of Toronto, and whereas it is expedient to grant the prayer of the said petition :

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Incorporated Synod of the Diocese of Toronto shall have, in respect of matters within or relating to such diocese, like powers and authorities as are vested in the Incorporated Synod of the Diocese of Ontario in respect to said last mentioned diocese under sections one, two and three of the said Act passed in the thirty-ninth year of the reign of Her Majesty, chaptered one hundred and nine, and intituled "An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario."

39 Vic. chap. 109, secs. 1, 2 and 3, applicable to Diocese of Toronto.

2. No incumbent of any rectory in the Diocese of Toronto who may be inducted therein after the passing of this Act shall receive out of the proceeds of such sales, invested as in the said Rectory Act last mentioned, a sum larger than will, together with the rents, issues and profits of the lands of the said rectory of which he is incumbent then remaining unsold, amount to the sums following, that is to say—as to the Rectory of St. James in the City of Toronto a sum of five thousand dollars a year: as to the rectories in towns to the extent of two thousand dollars a year; and in other places the sum of one thousand six hundred dollars a year: Provided that such Incorporated Synod may from time to time by resolution, by-law or canon, alter or vary the aforesaid amounts, but so that the incumbent of the said Rectory of St. James shall not receive less than the said sum of five thousand dollars a year; and all and any excess of interest arising from the proceeds of such sales and of the rents, issues and profits of the lands of such rectory respectively remaining unsold beyond such annual payments aforesaid shall be apportioned to and divided among the incumbents of the other churches of the Church of England in the said city, and such other places in which the lands belonging to such rectory are situate or which to such rectory belong respectively, in such proportions as such Incorporated Synod shall by resolution, by-law or canon, from time to time order and direct.

Limitation of payments to incumbents.

Proviso.

Surplus.

## CHAPTER 70.

An Act to incorporate The Western University of London, Ontario.

[Assented to 7th March, 1878.]

WHEREAS The Right Reverend Isaac Hellmuth, Doctor of Divinity, and Bishop of the Diocese of Huron, the Association of the President and Alumni of Huron College and

Preamble.



and others, have, by their petition represented that they are desirous of establishing at the City of London, a College with University Powers in connection with the Church of England, in order to promote the higher scholastic training and instruction of students who may propose to enter the ministry of the said church, and also to provide further facilities for higher instruction generally in arts, science, literature, law, medicine and engineering; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation  
and corporate  
name.

1. A college with university powers is hereby established at the City of London, in the Province of Ontario, and the following persons namely: The Right Reverend Isaac Hellmuth, Doctor of Divinity and Bishop of the Diocese of Huron, the Very Reverend Michael Boomer, Principal of Huron College, the Honourable Samuel Hume Blake, Vice-Chancellor, the Very Reverend H. J. Grasset, D.D., Dean of Toronto, the Venerable Archdeacon E. E. Elwood, M. A., the Venerable Archdeacon Arthur Sweatman, M. A., the Reverend Professor Halpin, M. A., Frederick Davis, Esquire, A. Cleghorn, Esquire, the Reverend Canon Innes, M. A., the Reverend William Logan, the Reverend J. W. P. Smith, the Reverend D. Deacon, M. A., the Reverend William Davis, the Reverend Canon Hincks, William P. R. Street, Esquire, D. McCraney, M. P. P., Lieut.-Col. J. B. Taylor, the Reverend Canon Nelles, the Reverend A. S. Falls, B. A., the Reverend A. C. Hill, M. A., the Reverend F. Harding, the Reverend W. Daunt, M. A., the Reverend R. H. Starr, M. A., John J. Kingsmill, Esquire, Edmund Baynes Reed, Barrister, Lieut.-Col. James Shanly, I. F. Hellmuth, LL.B, John Beattie, Esquire, and the Reverend J. Barr, and all the persons who may hereafter be appointed to be chancellor or members of the senate as hereinafter mentioned, and all the persons on whom the University hereby created may hereafter confer any degree, are hereby created one body politic and corporate by the name of "The Western University of London, Ontario," with perpetual succession and a common seal, and by that name to sue and be sued.

Power to hold  
lands &c.

2. By the same name they and their successors shall be able and capable in law to take, purchase and hold to them and their successors any goods, chattels or personal property whatsoever, and shall also be able and capable in law, notwithstanding the Statutes of Mortmain, to take, purchase and hold to them and their successors not only all such lands, buildings, hereditaments and possessions as may be from time to time exclusively used and occupied for the immediate purposes of the said University, but also any other lands, buildings, hereditaments and premises situate within the Province of Ontario, not exceeding the annual value of ten thousand dollars, such annual

Annual value  
\$10,000.

annual value to be calculated and ascertained at the period of taking, purchasing or acquiring the same, and that they and their successors shall be able and capable in law to grant, demise, alien or otherwise dispose of all or any of the property real or personal belonging to the said University, and also to do all other matters incidental or appertaining to a body corporate.

3. The said corporation shall consist of a chancellor, vice-chancellor, members of the senate and graduates, and the members of the senate shall be the Bishop of the Diocese of Huron in connection with the Church of England, or the bishops of the dioceses into which the same may at any time be divided, the Principal of Huron College for the time being, the several persons named in the first section of this Act, and ten persons who, for the time being, are the ten senior graduates of the University; and the graduates shall be the persons on whom respectively, the University created by this Act shall hereafter confer any degree; and the quorum of the senate shall consist of at least seven in number of its members personally present at any meetings thereof; and the senate shall elect the Chancellor and appoint one of their number to be the Vice-Chancellor of the University; and in case at any time the total number of the members constituting the senate shall be reduced to less than thirty exclusive of the Chancellor, then the remaining members of the senate shall thereupon and as often as the same may happen, appoint other persons to be members of the senate, but not so as to exceed the said number of thirty in all.

Corporation  
how composed.

Graduates.

Quorum.

Senate.

4. The senate shall have the management of, and the superintendence over the affairs, concerns and property of the University, and shall have full power to invest the moneys from time to time belonging to the University for the general purposes thereof, or upon any special trust connected therewith, in the public securities of this Province or of the Dominion of Canada, or upon first mortgages of freehold lands, or in approved debentures of municipal corporations in this Province; and may make such regulations, and appoint such officers as the senate may deem expedient for all or any of said purposes.

Powers of  
Senate.

5. The Lieutenant-Governor shall be the Visitor of the University; and it shall be the duty of the senate whenever called upon by him to do so, to furnish full and accurate accounts in writing, of the property of the University and the income derived therefrom in order that the same may be laid before the Provincial Legislature at any Session thereof.

Lieut-Governor  
to be  
visitor.

6. The senate shall have full power from time to time to make and alter any by-laws and regulations (not being repugnant to any law in force in this Province or to this Act) respecting

Powers of  
Senate.

specting the number and appointment of professors and lecturers in the different faculties or departments of learning, also the examinations for degrees, honours and scholarships and the granting of the same, and charging of reasonable fees in that behalf, also as to the quorum of the Senate, also the time and mode of summoning meetings of the senate, also the appointment and duties of examiners of the University, also as to the admission of students, and the course of study in the several faculties and departments—and generally respecting all other matters for promoting the purposes of the University or for carrying into effect the intent and spirit of this Act, and all such by-laws and regulations, when reduced into writing and under the Common Seal of the University, shall be held to be binding on all persons members thereof, and upon all candidates for degrees, honours or scholarships and upon all students therein, and upon all others whom they may concern: Provided always, that it shall not be lawful for the senate to require from or impose upon any person or student any compulsory religious qualification or examination or test of a denominational character other than in the faculty of divinity; and, Provided also, that any by-law or regulation respecting the course of study and the subjects of examination for any degree, honour or scholarship in any faculty or department, other than divinity shall, in as far as circumstances will in the opinion of the senate permit, be similar to those now in force for the like purposes in the University of Toronto, to the end that the standard of qualification in the University hereby created may not be inferior to that which now prevails for a like degree or honour in the said University; and any by-law or regulation passed for any of purposes mentioned in this proviso shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the visitor; and such by-law or regulation shall have force and effect in the meantime and until disallowance by the visitor, such disallowance being signified through the Provincial Secretary within three months after such deposit with him as aforesaid.

No religious tests.

Proviso

Degree.

7. The senate shall not confer any degree in the faculty of arts or in science or literature until such time as four professorships at least have been established in the faculty of arts, and four professors appointed to discharge the respective duties thereof, and until this has been made to appear to the satisfaction of the Lieutenant-Governor in Council; and no persons shall be admitted as candidates for any degree in medicine or surgery to be conferred by the said University unless the said persons shall have completed the course of instruction which the senate by by-law or regulation in that behalf may determine in such one or more medical schools to be also mentioned in every such by-law or regulation: Provided, that every such by-law or regulation or any alteration or amendment thereof to be operative shall be required to be first approved of by the Lieutenant-Governor in Council.



8. The said University shall have no power to confer any <sup>Degrees.</sup> degree other than in divinity except after examination duly had under and in pursuance of the by-laws and regulations of the senate respecting such degree, but degrees as *ad eundem* degrees may be conferred by the senate upon the graduates of any University in Great Britain or Ireland or in the Dominion of Canada, or in any of Her Majesty's possessions.

9. Huron College may at any time become affiliated to the said University so as to constitute the faculty of divinity in said University, upon such terms as the said college, under and subject to the constitution governing the same, and the said University may agree upon, and the said University may also acquire the control and management of Hellmuth College situate in the said City of London, upon such terms as may be entered into with the proprietors thereof. <sup>Huron College may affiliate.</sup>

10. Any University powers or privileges granted by this Act for conferring degrees shall not be exercised until it has been made to appear to the satisfaction of the Lieutenant-Governor in Council that the sum of one hundred thousand dollars, at the least, has been raised in property, securities or money, including Huron College, when affiliated thereto, and is held for the purposes of the said University, and may be withdrawn at any time when the Legislature deems it expedient to require this University to become affiliated, in the whole or in respect of any particular faculty or department, with the said University of Toronto; and the college with <sup>When the power to confer degrees may be exercised or withdrawn.</sup> university powers hereby created may also on its own motion become affiliated in respect of any of its faculties or departments, other than divinity, with the said University of Toronto, upon compliance with its statutes in that behalf. <sup>Affiliation.]</sup>

## CHAPTER 71.

### An Act respecting the Burnside Lying-in-Hospital and the Toronto General Hospital.

[Assented to 7th March, 1878.]

**W**HEREAS The Burnside Lying-in-Hospital of Toronto, <sup>Preamble.</sup> incorporated by an Act passed in the thirty-first year of Her Majesty's Reign, chaptered sixty-two, has been carried on from the date of its Charter until the present time, and has under the said Charter acquired certain real and personal property of which it is now possessed; and whereas the said corporation has, by petition set forth, that for several reasons therein

therein mentioned, the objects of the charity could be more efficiently attained and managed if the said Lying-in-Hospital was incorporated with the Toronto General Hospital, and has prayed that an Act may be passed to unite the two charities so that all the property and effects, real and personal, of the said Burnside Lying-in-Hospital may be vested in the Trustees of the Toronto General Hospital; and whereas the Trustees of the Toronto General Hospital have, by their petition, prayed that such an Act may be passed, and that they may be authorized to accept and hold the said personal and real effects and property, and deal with the same real estate by lease, sale or otherwise as may be best for the interest of the united charities, with power to the said Trustees of the Toronto General Hospital to erect a Lying-in-Hospital upon a portion of the site of the present Toronto General Hospital, and to manage the same as part of the said Toronto General Hospital, under the Act incorporating the said trustees and the several amendments thereof; and whereas the two charities have agreed among themselves upon the terms of such union and amalgamation in certain resolutions reduced to writing and duly passed by the trustees of the Toronto General Hospital, on the eleventh day of June, one thousand eight hundred and seventy-seven, and by the managers of the Burnside Lying-in Hospital on the sixth day of July, one thousand eight hundred and seventy-seven; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Property of  
Lying-in Hos-  
pital vested in  
Toronto Hos-  
pital.

1. From and after the passing of this Act, all the estate, property and effects, real and personal, acquired by and now vested in the said Burnside Lying-in-Hospital, or held in trust for them by any person or persons, together with all the rights, privileges, powers and franchise conferred in and by their Act of incorporation shall be, and the same are hereby absolutely vested in the said Trustees of the Toronto General Hospital, their successors and assigns forever, with full power and authority to accept, hold, sell, lease, convey and otherwise manage the same, and the said Burnside Lying-in-Hospital shall be, and is hereby merged in, and become part and parcel of the said Toronto General Hospital; Provided that the assets of the said Burnside Lying-in Hospital shall remain subject, in the hands of the said trustees of the Toronto General Hospital, to all existing trusts; and the trustees of the Toronto General Hospital shall assume and pay all the liabilities of the said Burnside Lying-in Hospital at the passing of this Act.

Proviso.

Buildings to  
be erected.

2. It shall be the duty of the Trustees of the Toronto General Hospital to proceed forthwith in the erection of a building upon a portion of the site of the present Toronto General Hospital suitable in every respect for the purpose of a Lying-in-Hospital, and complete the same with all possible despatch, and  
to

to establish, maintain and support the same in connection with the Toronto General Hospital as part and parcel thereof upon the terms and conditions set forth in the said resolutions authorising amalgamation, and such building shall be called and known by the name and designation of the Burnside Lying-in Hospital.

3. A meeting of the annual subscribers to the funds of the hospital of twenty dollars and upwards, shall be held on the first Tuesday of the month of December in each and every year for the election of a trustee for the ensuing year pursuant to the Act passed in the thirty ninth year of Her Majesty's reign, and chaptered sixty-five. Annual meetings.

4. The said meeting shall be held at such time and place within the City of Toronto as the said trustees shall by resolution appoint, and public notice thereof shall be given by the secretary of the said trustees for the time being, in two newspapers published daily in the said city for ten days at least prior to the holding of the said meeting. To be held at Toronto. Time and notice.

5. The Solicitor of the Hospital Trust, for the time being, shall preside at such meeting, as chairman; and shall call the meeting to order at the hour named in the said notice; and the Secretary of the Trust, for the time being, shall act as the secretary of the said meeting, and shall produce, and lay upon the table, for public inspection, a certified list of the annual subscribers, and others entitled to vote at such election, with the amount of each individual subscription. Chairman. Secretary.

6. Such election shall be by ballot taken by two or more scrutineers to be appointed by the chairman, and each subscriber, whose name shall appear upon the said list, shall be entitled to one vote at such election, for each and every twenty dollars, subscribed by him or her, to the number of ten votes, but no subscriber shall be entitled to more than ten votes at any one election; such vote may be given in person, or by proxy, under a power of attorney duly executed under the hand of a subscriber, provided, that the said power shall be held by a subscriber entitled to vote at such election, and shall be valid only for one year, and the subscriber for whom the largest number of votes shall then be given, shall be the trustee for the next ensuing year. Election of trustees.

7. Every subscriber contributing the sum of five hundred dollars and upwards to the funds of the said hospital shall be called "Benefactor" of the said charity, and it shall be the duty of the trustees to erect a tablet in the principal entrance hall of the said hospital, upon which shall be inscribed from time to time, the names of the said benefactors and the amounts severally subscribed by them, and such benefactors shall also be visitors of the said hospital, and shall have a right to vote at all annual elections of trustees, according to the scale of votes hereinbefore mentioned. Benefactors.



Government  
buildings.

8. If at any time hereafter the Province of Ontario shall deem it advisable to erect any building or buildings, for hospital purposes or cases (not infectious) and not under treatment in the Toronto General Hospital or by the trustees thereof, they shall have power to erect the same, on any portion of the unoccupied ground, forming the present site of the Toronto General Hospital, and place the care of the same, and the entire economic management thereof, under the Trustees of the Toronto General Hospital.

Charge of  
Government  
buildings and  
inmates.

9. Upon the passing of an order of the Lieutenant-Governor in Council to that effect, it shall be the duty of the Trustees of the Toronto General Hospital forthwith to assume the care and management of any such building or buildings, and the inmates and patients thereof, and carry on the same, in the same way, and upon the same terms, and to the same extent in every way as they now manage the Toronto General Hospital.

Government  
powers as to  
their build-  
ings.

10. If it be made to appear to the Lieutenant-Governor in Council that the care and management exercised by the said trustees in and over the said building or buildings so erected by the said Province and placed under the said trustees, or of the patients and inmates thereof and their treatment, is not satisfactory, it shall be lawful for the Lieutenant-Governor in Council by Order in Council to resume possession of the said building or buildings, and place the same together with the inmates or patients thereof, under other and different care and management, and from thenceforth the officers and servants of the Government and of the Province of Ontario shall possess and have and enjoy full and undisturbed ingress and egress to and from the same for all purposes whatsoever.

Mayor of  
Toronto to be  
the City  
Trustee.

11. Instead of a person appointed by the council of the corporation of the City of Toronto being one of the trustees of the Toronto General Hospital the mayor of the said City, for the time being, shall, from and after the passing of this Act, be such trustee.

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## CHAPTER 72.

An Act to authorize the Town of Dundas to exempt  
Messrs. Fisher from taxes.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS the Corporation of the Town of Dundas, and Messrs. John Fisher & Sons have, by petition, prayed that the Corporation of the Town of Dundas may be empowered to pass a by-law exempting the said John Fisher & Sons

Sons from payment of municipal taxes for the period of twenty-one years, on new buildings erected by them in the Town of Dundas, since the first day of January, one thousand eight hundred and seventy-seven, or which they may build in connection with their paper manufactory, and on any machinery which may have been put into said buildings since said date, or on any which may hereafter be put into the same and used therein; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Municipal Council of the Town of Dundas is hereby empowered to pass a by-law at any regular sittings of the said council to be held hereafter, exempting Messrs. John Fisher & Sons, or their heirs and assigns, or their lessees or tenants from payment of municipal taxes, for the period of twenty-one years from the passing of this Act, on any new buildings erected by them in the Town of Dundas, in connection with their paper manufactory, since the first day of January, in the year of Our Lord one thousand eight hundred and seventy-seven, or which they may build in connection with said paper manufactory in said Town of Dundas, and on any machinery which may have been put into said buildings since said date, or on any which may hereafter be put into the same and used and employed by them therein; but nothing in this Act shall exempt from taxation any building or buildings erected prior to the said first day of January, one thousand eight hundred and seventy-seven, or any machinery in any buildings erected prior to said date and used therein in connection with said paper manufactory prior to said date aforesaid: Provided always, that all the provisions of the Municipal Act as to by-laws for raising on the credit of the Municipality money not required for its ordinary expenditure, and not payable within the same municipal year, shall apply to the said by-law, such provisions being those which require and relate to the assent of electors and otherwise.

By-law may pass exempting Messrs. Fisher from taxation for 21 years.

To be submitted to rate-payers.

## CHAPTER 73.

An Act to enable Isaac Brock Burwell to sell certain Lands in Westminster.

[Assented to 7th March, 1878.]

**W**HEREAS the late Mahlon Burwell, of Port Talbot, Esquire, Preamble.  
by a certain deed poll bearing date on the twenty-ninth day of March, in the year of our Lord one thousand eight hundred

dred and forty-two, after reciting therein that he had deemed it expedient to make title to Her Majesty Queen Victoria, her heirs and successors for ever, for a plot of ground, parcel or tract of land contiguous to the town, now the City of London, in the said County of Middlesex, to be improved and embellished by the inhabitants of the said town, now the City of London, by enclosing and planting the same for their accommodation and amusement, and that of the inhabitants of the said County of Middlesex, and for the playing therein of the bands of Her Majesty's troops, did grant and convey unto Her Majesty Queen Victoria, her heirs and successors for ever, all and singular that certain parcel of land and premises situate and being in the Township of Westminster, in the said county, containing by admeasurement four acres one rood and twenty-four perches, be the same more or less, being composed of a part of lot number six, east, on Wharncliffe Highway, in the said Township of Westminster, butted and bounded as follows, that is to say: Commencing at the angular point formed by the intersection of the southern limit of Stanley Street with the north-western termination of Wortley Road, which said point is found by producing the southern limit of York Street, of the said Town of London, across the River Thames, and over Wortley Road, to the north-western termination of the said road; then south sixty-nine degrees seventeen minutes west, along the southern limit of Stanley Street, twenty-one chains twenty-five links, more or less, to the intersection of the said southern limit of Stanley Street with the northern limit of Peel Street; then on a bearing nearly north eighty-one degrees thirty minutes east, along the northern limit of Peel Street, seventeen chains seventy-five links, more or less, to within two chains twenty-five links of the angular point formed by the intersection of the northern limit of Peel Street with the western limit of Wortley Road; then on a bearing at right angles with Peel Street, nearly north, eighty-eight degrees thirty minutes west two chains twenty-five links; then on a bearing parallel with Peel Street, nearly north, eighty-one degrees thirty minutes, east two chains twenty-five links, more or less, to the western limit of Wortley Road; then northerly, following the western limit of Wortley Road aforesaid, two chains and fifty links, more or less, to the place of beginning: To hold the same unto Her said Majesty Queen Victoria, her heirs and successors for ever, to and for no other purpose or purposes whatever but those mentioned in the recital to the said deed poll. And whereas the said Mahlon Burwell did also, by a certain other deed poll, bearing date on the said twenty-ninth day of March, in the year of our Lord one thousand eight hundred and forty-two, grant and convey unto Her said Majesty the Queen, her heirs and successors, all and singular that certain other parcel of land and premises, situated in the said Township of Westminster, containing by admeasurement two roods or half an acre, be the same more or less, being composed of a part of lot number six, east on Wharncliffe Highway, in the said Township



ship of Westminster, and butted and bounded as follows, that is to say : Commencing at the angular point formed by the intersection of the northern limit of Peel Street with the western limit of Wortley Road ; then on a bearing nearly south, eighty-one degrees thirty minutes west along the northern limit of Peel Street, two chains twenty-five links ; then on a bearing at right angles with Peel Street, nearly north, eight degrees thirty minutes west, two chains twenty-five links ; then on a bearing parallel with Peel Street, nearly north eighty-one degrees thirty minutes east, two chains twenty-five links, more or less, to the western limit of Wortley Road aforesaid ; thence southerly, following the western limit of Wortley Road, two chains twenty-five links, more or less, to the place of beginning : To hold the same unto Her said Majesty Queen Victoria, her heirs and successors for ever, to and for no other purpose or purposes whatever other than for the Mechanics Institution of the said town, now the City of London, to erect a suitable building thereon for their accommodation, and to improve, enlarge, and embellish the said building, and to beautify and ornament the said parcel of land, as the members of the said Mechanics Institution in any and all time to come, may find means to enable them to do : And whereas, in and by each of the said deeds poll it is declared that the same are made upon the positive and express condition that if any sale of the said lands or any part thereof, or other disposition than that contemplated by the obvious meaning of the said deeds poll, should be made by any person or persons, power or powers whatsoever, that then and in such case the said parcels of land should from thenceforth revert to and come into the immediate seisin, inheritance, and occupancy of the heir-at-law for the time being of the said Mahlon Burwell, as if the said deeds poll respectively had never been made : And whereas in or about the year of our Lord one thousand eight hundred and forty-six, the said Mahlon Burwell departed this life intestate as to the said lands : And whereas Isaac Brock Burwell, of the Township of Caradoc, in the County of Middlesex, Esquire, is the heir-at-law of the said Mahlon Burwell, deceased : And whereas the lands described in the said two deeds poll have long since been found to be, and are utterly useless for and unsuitable to the purposes for which they were granted and conveyed as aforesaid by the said Mahlon Burwell : and whereas the Corporations of the said City of London and of the said County of Middlesex have consented and agreed that the said parcel of land firstly hereinbefore mentioned, shall be absolutely vested in the said Isaac Brock Burwell and his heirs ; and the Mechanics Institute of the said City of London have, in like manner, consented and agreed that the said parcel of land secondly hereinbefore mentioned, shall be absolutely vested in the said Isaac Brock Burwell ; and have petitioned for an Act to confirm the same ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Lands in  
Westminster  
vested in I. B.  
Burwell.

1. The several parcels of land in the preamble hereto mentioned and described, together with all and every the appurtenances thereto, are hereby vested in the said Isaac Brock Burwell, his heirs and assigns, to and for his and their own absolute use forever, freed and discharged from all or any of the trusts declared in and by the said two deeds poll, or either of them, and from all rights of Her Majesty or Her successors, or of the inhabitants of the said city of London, or of the said county of Middlesex, or of any person or persons, corporation or corporations, to have, use, occupy, enjoy, or in anywise interfere with the same, and with full power to sell, alien, dispose of, and convey the same without the consent of any person or persons, corporation or corporations, and to receive and take the purchase money therefor, to his and their own use and benefit. Provided always that nothing herein contained shall impair or prejudicially affect the rights of the corporation of the said city of London, or of the corporation of the said county of Middlesex, in respect of the said first mentioned lands, or the proceeds of the sale thereof, under the terms of an Indenture, bearing date the thirteenth day of February, in the year of our Lord one thousand eight hundred and seventy-eight, and made between the said two corporations and the said Isaac Brock Burwell; and provided also, that nothing herein contained shall impair or prejudicially affect the rights of the London Mechanics' Institute, in respect of the lands lastly mentioned in the preamble, or the proceeds of the sale thereof, under the terms of an Indenture, bearing date the fourteenth day of February, in the year of our Lord one thousand eight hundred and seventy-eight, and made between the said Mechanics' Institute and the said Isaac Brock Burwell.

Proviso.

## CHAPTER 74.

An Act respecting the Estate of the late Nicholas Sparks.

[Assented to 7th March, 1878.]

Preamble.

WHEREAS Caroline Sweetland, of the City of Ottawa, in the County of Carleton, in the Province of Ontario, wife of John Sweetland, of the said City of Ottawa, physician, relict and widow of Nicholas Sparks, in the Act thirty-sixth Victoria, chapter one hundred and fifty-seven, and hereinafter mentioned, and the mother of the children of the said Nicholas Sparks,

Sparks, also in said Act and hereinafter mentioned, hath presented her petition, stating, amongst other things: That the said Nicholas Sparks, in his lifetime of the City of Ottawa aforesaid, Esquire, deceased, departed this life intestate on or about the twentieth day of April, in the year of Our Lord one thousand eight hundred and seventy-two, leaving him surviving three children—namely, Mary Sparks, Nicholas Charles Sparks, and Sarah Sparks, his heir and heiresses at law, who were and are infants under the age of twenty-one years, and also leaving him surviving his relict and widow, and mother of the above-named children, now the wife of the said John Sweetland; that one Charles Magee, of the said City of Ottawa, is the duly appointed administrator of the estate of the said Nicholas Sparks, and the guardian of the said infant children; that, after the passing of the said Act, the said widow of the said Nicholas Sparks, deceased, has intermarried with the said John Sweetland; that in and by the eleventh section of the said Act, chaptered one hundred and fifty-seven of the Statutes of Ontario, passed in the said thirty-sixth year of Her said Majesty's reign, it is enacted that the care of the persons of the said children, and their education, should, after the passing of the said Act, be given to the said mother of the said children until they should respectively attain the age of twenty-one years or marry, whichever should first happen, unless the Court of Chancery for the said Province of Ontario, or any Judge thereof, should otherwise order, and that such sum and sums of money should from time to time be paid to her for their support, maintenance and education, during minority, or until they marry, as the Judge of the Surrogate Court of the County of Carleton should and might, from time to time, settle upon and order, and that the receipt of the said mother of the said children for the amount so ordered to be paid to her for such support, clothing, and maintenance and education of the said children should be a sufficient discharge to the said Charles Magee, and that he should take credit therefor in his accounts. and in the event of the said mother of the said children dying, leaving them or any of them under age, and unmarried, the care of the persons of such of the said children as should then be under age and unmarried, and their education, should be given to the said Charles Magee, as their guardian; and praying, amongst other things, that the said Act should be so amended as to enable her, the said Caroline Sweetland, mother of the said children as aforesaid, at any time, to appoint by will such person or persons as she shall think fit as guardian or guardians of the person or persons of the said children, or such of them as should at the death of the said Caroline Sweetland be under age and unmarried, and also the charge and care of the education of such children in the place and stead of the said Charles Magee; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



36 Vic. c. 157,  
amended.

1. The said Act, passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and fifty-seven, is amended, by adding to the said eleventh section the words: "Provided always that Caroline Sweetland, the wife of John Sweetland, of the City of Ottawa, in the said Province of Ontario, relict and widow of the said Nicholas Sparks, and mother of the said children, shall have power at any time to appoint by will such person or persons as she shall think fit to be guardian or guardians of the person or persons of the said children as should, at the death of the said Caroline Sweetland, be under age or unmarried, and in the event of her exercising such power, the care of the persons of such children and their education shall be given to such person or persons in the place and stead of the said Charles Magee, unless the Court of Chancery for the Province of Ontario or a judge thereof shall otherwise order.

Provisions in  
case of death  
of C. Sweet-  
land.

2. In the event of the death of the said Caroline Sweetland, before the said children, or any or either of them, shall become of age, or be married as aforesaid, and provided that the said Caroline Sweetland shall have appointed by will as aforesaid such person or persons as she shall have thought fit to be the guardian or guardians of the person or persons of such children as shall be then under age or unmarried, and of the care and charge of the education of such child or children, then any sum or sums of money which shall, under the said Act, be due and payable at the time of the death of the said Caroline Sweetland, and which shall thereafter become due and payable under the said Act for their support, maintenance and education during minority, or until they, or some or one of them, shall marry, as provided for in the said Act, shall, unless the said Court of Chancery, or a judge thereof shall otherwise order as aforesaid, be paid to the said person or persons so appointed by will by the said Caroline Sweetland, and be so paid, according to the terms of the said order, by the said Charles Magee, or by such other person or persons who may then, and from time to time, be trustee or trustees under the said Act of the said estate of the said Nicholas Sparks, deceased; and the receipt of such person or persons so to be appointed as aforesaid, by will of the said Caroline Sweetland, if any such are appointed, for the amount so ordered to be paid for such support, clothing, and maintenance and education of the said children, shall be a sufficient discharge to the said Charles Magee, or to such other person or persons who may then and from time to time be trustee or trustees under the said Act of the said estate of the said Nicholas Sparks, deceased.

## CHAPTER 75.

An Act to authorize Henry Scarrow to add the name of Woodward to his present name.

[Assented to 7th March, 1878.]

**W**HEREAS Henry Scarrow of the City of London, in the Province of Ontario, Accountant, hath, by his petition, set forth that, his father having died, his mother intermarried with one Woodward since deceased, and that the said Henry Scarrow, at the earnest solicitation of the said Woodward, promised, and it has become desirable and expedient for him to adopt the family name of his said step-father, that is to say Woodward, and hath prayed the passing of an Act for such purpose, which prayer it is expedient to grant : Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said Henry Scarrow shall hereafter be called and known by the name of Henry Scarrow Woodward. Name of Scarrow changed to Scarrow Woodward.

2. The said Henry Scarrow Woodward shall hereafter claim, obtain, exercise and enjoy all and every advantage, benefit, calling, profession, occupation, addition, title and degree which he exercises or enjoys, or has been or might be entitled to under the surname of Scarrow, and also shall recover, have, hold and possess, and be capable of inheriting all real and personal property and rights, interests, credits, moneys and securities of any nature or kind whatsoever which he at present has, holds or possesses or is capable of recovering, having, holding, possessing or inheriting, or might hereafter be capable of receiving, having, holding, possessing or inheriting by and under the surname of Scarrow, and also shall not hereafter, by reason of the change of name hereby made, be deprived of or disqualified from exercising or enjoying any addition, title, degree, qualification, advantage, benefit, possession, calling, appointment, honour, position or any interest or property of any nature or kind whatsoever which he now has, holds, possesses or enjoys or is or might hereafter be capable of recovering, having, holding, possessing, inheriting and enjoying if the said change of name had not been made by the adoption and addition of the said name of Woodward. Rights not affected by such change of name.

3. If any suit, or legal, or equitable proceeding has been commenced by or against the said party whose name is changed by virtue of this Act, by his former name, such suit or proceeding shall not be abated nor any relief or recovery sought thereby be prevented by reason of any such change of name, but the same may be continued and carried on to judgment and execution and until satisfaction and discharge had as if this Act had not been passed. No suits abated.





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